

2E2SSB 5720 - H COMM AMD

By Committee on Civil Rights & Judiciary

NOT ADOPTED 03/05/2020

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 71.05.010 and 2016 sp.s. c 29 s 203 are each
4 amended to read as follows:

5 (1) The provisions of this chapter apply to persons who are
6 eighteen years of age or older and are intended by the legislature:

7 (a) To protect the health and safety of persons suffering from
8 (~~mental disorders and substance use~~) behavioral health disorders
9 and to protect public safety through use of the parens patriae and
10 police powers of the state;

11 (b) To prevent inappropriate, indefinite commitment of (~~mentally~~
12 ~~disordered persons and persons with substance use disorders~~) persons
13 living with behavioral health disorders and to eliminate legal
14 disabilities that arise from such commitment;

15 (c) To provide prompt evaluation and timely and appropriate
16 treatment of persons with serious (~~mental disorders and substance~~
17 ~~use~~) behavioral health disorders;

18 (d) To safeguard individual rights;

19 (e) To provide continuity of care for persons with serious
20 (~~mental disorders and substance use~~) behavioral health disorders;

21 (f) To encourage the full use of all existing agencies,
22 professional personnel, and public funds to prevent duplication of
23 services and unnecessary expenditures; and

24 (g) To encourage, whenever appropriate, that services be provided
25 within the community.

26 (2) When construing the requirements of this chapter the court
27 must focus on the merits of the petition, except where requirements
28 have been totally disregarded, as provided in *In re C.W.*, 147 Wn.2d
29 259, 281 (2002). A presumption in favor of deciding petitions on
30 their merits furthers both public and private interests because the
31 mental and physical well-being of individuals as well as public

1 safety may be implicated by the decision to release an individual and
2 discontinue his or her treatment.

3 **Sec. 2.** RCW 71.05.012 and 1997 c 112 s 1 are each amended to
4 read as follows:

5 It is the intent of the legislature to enhance continuity of care
6 for persons with serious (~~mental~~) behavioral health disorders that
7 can be controlled or stabilized in a less restrictive alternative
8 commitment. Within the guidelines stated in *In re LaBelle* 107 Wn. 2d
9 196 (1986), the legislature intends to encourage appropriate
10 interventions at a point when there is the best opportunity to
11 restore the person to or maintain satisfactory functioning.

12 For persons with a prior history or pattern of repeated
13 hospitalizations or law enforcement interventions due to
14 decompensation, the consideration of prior (~~mental~~) history is
15 particularly relevant in determining whether the person would
16 receive, if released, such care as is essential for his or her health
17 or safety.

18 Therefore, the legislature finds that for persons who are
19 currently under a commitment order, a prior history of decompensation
20 leading to repeated hospitalizations or law enforcement interventions
21 should be given great weight in determining whether a new less
22 restrictive alternative commitment should be ordered.

23 **Sec. 3.** RCW 71.05.020 and 2019 c 446 s 2, 2019 c 444 s 16, and
24 2019 c 325 s 3001 are each reenacted and amended to read as follows:

25 The definitions in this section apply throughout this chapter
26 unless the context clearly requires otherwise.

27 (1) "Admission" or "admit" means a decision by a physician,
28 physician assistant, or psychiatric advanced registered nurse
29 practitioner that a person should be examined or treated as a patient
30 in a hospital;

31 (2) "Alcoholism" means a disease, characterized by a dependency
32 on alcoholic beverages, loss of control over the amount and
33 circumstances of use, symptoms of tolerance, physiological or
34 psychological withdrawal, or both, if use is reduced or discontinued,
35 and impairment of health or disruption of social or economic
36 functioning;

37 (3) "Antipsychotic medications" means that class of drugs
38 primarily used to treat serious manifestations of mental illness

1 associated with thought disorders, which includes, but is not limited
2 to atypical antipsychotic medications;

3 (4) "Approved substance use disorder treatment program" means a
4 program for persons with a substance use disorder provided by a
5 treatment program certified by the department as meeting standards
6 adopted under chapter 71.24 RCW;

7 (5) "Attending staff" means any person on the staff of a public
8 or private agency having responsibility for the care and treatment of
9 a patient;

10 (6) "Authority" means the Washington state health care authority;

11 (7) "Co-occurring disorder specialist" means an individual
12 possessing an enhancement granted by the department of health under
13 chapter 18.205 RCW that certifies the individual to provide substance
14 use disorder counseling subject to the practice limitations under RCW
15 18.205.105;

16 (8) "Commitment" means the determination by a court that a person
17 should be detained for a period of either evaluation or treatment, or
18 both, in an inpatient or a less restrictive setting;

19 (9) "Conditional release" means a revocable modification of a
20 commitment, which may be revoked upon violation of any of its terms;

21 (10) "Crisis stabilization unit" means a short-term facility or a
22 portion of a facility licensed or certified by the department, such
23 as an evaluation and treatment facility or a hospital, which has been
24 designed to assess, diagnose, and treat individuals experiencing an
25 acute crisis without the use of long-term hospitalization;

26 (11) "Custody" means involuntary detention under the provisions
27 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
28 unconditional release from commitment from a facility providing
29 involuntary care and treatment;

30 (12) "Department" means the department of health;

31 (13) "Designated crisis responder" means a mental health
32 professional appointed by the county or an entity appointed by the
33 county, to perform the duties specified in this chapter;

34 (14) "Detention" or "detain" means the lawful confinement of a
35 person, under the provisions of this chapter;

36 (15) "Developmental disabilities professional" means a person who
37 has specialized training and three years of experience in directly
38 treating or working with persons with developmental disabilities and
39 is a psychiatrist, physician assistant working with a supervising
40 psychiatrist, psychologist, psychiatric advanced registered nurse

1 practitioner, or social worker, and such other developmental
2 disabilities professionals as may be defined by rules adopted by the
3 secretary of the department of social and health services;

4 (16) "Developmental disability" means that condition defined in
5 RCW 71A.10.020(5);

6 (17) "Director" means the director of the authority;

7 (18) "Discharge" means the termination of hospital medical
8 authority. The commitment may remain in place, be terminated, or be
9 amended by court order;

10 (19) "Drug addiction" means a disease, characterized by a
11 dependency on psychoactive chemicals, loss of control over the amount
12 and circumstances of use, symptoms of tolerance, physiological or
13 psychological withdrawal, or both, if use is reduced or discontinued,
14 and impairment of health or disruption of social or economic
15 functioning;

16 (20) "Evaluation and treatment facility" means any facility which
17 can provide directly, or by direct arrangement with other public or
18 private agencies, emergency evaluation and treatment, outpatient
19 care, and timely and appropriate inpatient care to persons suffering
20 from a mental disorder, and which is licensed or certified as such by
21 the department. The authority may certify single beds as temporary
22 evaluation and treatment beds under RCW 71.05.745. A physically
23 separate and separately operated portion of a state hospital may be
24 designated as an evaluation and treatment facility. A facility which
25 is part of, or operated by, the department of social and health
26 services or any federal agency will not require certification. No
27 correctional institution or facility, or jail, shall be an evaluation
28 and treatment facility within the meaning of this chapter;

29 (21) "Gravely disabled" means a condition in which a person, as a
30 result of a ~~((mental))~~ behavioral health disorder ~~((, or as a result~~
31 ~~of the use of alcohol or other psychoactive chemicals))~~: (a) Is in
32 danger of serious physical harm resulting from a failure to provide
33 for his or her essential human needs of health or safety; or (b)
34 manifests severe deterioration ~~((in routine functioning))~~ from safe
35 behavior evidenced by repeated and escalating loss of cognitive or
36 volitional control over his or her actions and is not receiving such
37 care as is essential for his or her health or safety;

38 (22) "Habilitative services" means those services provided by
39 program personnel to assist persons in acquiring and maintaining life
40 skills and in raising their levels of physical, mental, social, and

1 vocational functioning. Habilitative services include education,
2 training for employment, and therapy. The habilitative process shall
3 be undertaken with recognition of the risk to the public safety
4 presented by the person being assisted as manifested by prior charged
5 criminal conduct;

6 (23) "Hearing" means any proceeding conducted in open court (~~For purposes of this chapter, at any hearing the petitioner, the~~
7 ~~respondent, the witnesses, and the presiding judicial officer may be~~
8 ~~present and participate either in person or by video, as determined~~
9 ~~by the court. The term "video" as used herein shall include any~~
10 ~~functional equivalent. At any hearing conducted by video, the~~
11 ~~technology used must permit the judicial officer, counsel, all~~
12 ~~parties, and the witnesses to be able to see, hear, and speak, when~~
13 ~~authorized, during the hearing; to allow attorneys to use exhibits or~~
14 ~~other materials during the hearing; and to allow respondent's counsel~~
15 ~~to be in the same location as the respondent unless otherwise~~
16 ~~requested by the respondent or the respondent's counsel. Witnesses in~~
17 ~~a proceeding may also appear in court through other means, including~~
18 ~~telephonically, pursuant to the requirements of superior court civil~~
19 ~~rule 43. Notwithstanding the foregoing, the court, upon its own~~
20 ~~motion or upon a motion for good cause by any party, may require all~~
21 ~~parties and witnesses to participate in the hearing in person rather~~
22 ~~than by video. In ruling on any such motion, the court may allow in-~~
23 ~~person or video testimony; and the court may consider, among other~~
24 ~~things, whether the respondent's alleged mental illness affects the~~
25 ~~respondent's ability to perceive or participate in the proceeding by~~
26 ~~video)) that conforms to the requirements of section 98 of this act;~~

27
28 (24) "History of one or more violent acts" refers to the period
29 of time ten years prior to the filing of a petition under this
30 chapter, excluding any time spent, but not any violent acts
31 committed, in a ((~~mental~~)) behavioral health facility (~~(, a long-term~~
32 ~~alcoholism or drug treatment facility)), or in confinement as a~~
33 result of a criminal conviction;

34 (25) "Imminent" means the state or condition of being likely to
35 occur at any moment or near at hand, rather than distant or remote;

36 (26) "In need of assisted outpatient behavioral health treatment"
37 means that a person, as a result of a ((~~mental disorder or substance~~
38 ~~use~~)) behavioral health disorder: (a) Has been committed by a court
39 to detention for involuntary behavioral health treatment during the
40 preceding thirty-six months; (b) is unlikely to voluntarily

1 participate in outpatient treatment without an order for less
2 restrictive alternative treatment, based on a history of nonadherence
3 with treatment or in view of the person's current behavior; (c) is
4 likely to benefit from less restrictive alternative treatment; and
5 (d) requires less restrictive alternative treatment to prevent a
6 relapse, decompensation, or deterioration that is likely to result in
7 the person presenting a likelihood of serious harm or the person
8 becoming gravely disabled within a reasonably short period of time;

9 (27) "Individualized service plan" means a plan prepared by a
10 developmental disabilities professional with other professionals as a
11 team, for a person with developmental disabilities, which shall
12 state:

13 (a) The nature of the person's specific problems, prior charged
14 criminal behavior, and habilitation needs;

15 (b) The conditions and strategies necessary to achieve the
16 purposes of habilitation;

17 (c) The intermediate and long-range goals of the habilitation
18 program, with a projected timetable for the attainment;

19 (d) The rationale for using this plan of habilitation to achieve
20 those intermediate and long-range goals;

21 (e) The staff responsible for carrying out the plan;

22 (f) Where relevant in light of past criminal behavior and due
23 consideration for public safety, the criteria for proposed movement
24 to less-restrictive settings, criteria for proposed eventual
25 discharge or release, and a projected possible date for discharge or
26 release; and

27 (g) The type of residence immediately anticipated for the person
28 and possible future types of residences;

29 ~~((("Information related to mental health services" means all
30 information and records compiled, obtained, or maintained in the
31 course of providing services to either voluntary or involuntary
32 recipients of services by a mental health service provider. This may
33 include documents of legal proceedings under this chapter or chapter
34 71.34 or 10.77 RCW, or somatic health care information;~~

35 ~~(29))~~ "Intoxicated person" means a person whose mental or
36 physical functioning is substantially impaired as a result of the use
37 of alcohol or other psychoactive chemicals;

38 ~~((30))~~ (29) "Judicial commitment" means a commitment by a court
39 pursuant to the provisions of this chapter;

1 (~~(31)~~) (30) "Legal counsel" means attorneys and staff employed
2 by county prosecutor offices or the state attorney general acting in
3 their capacity as legal representatives of public (~~(mental)~~)
4 behavioral health (~~(and substance use disorder)~~) service providers
5 under RCW 71.05.130;

6 (~~(32)~~) (31) "Less restrictive alternative treatment" means a
7 program of individualized treatment in a less restrictive setting
8 than inpatient treatment that includes the services described in RCW
9 71.05.585;

10 (~~(33)~~) (32) "Licensed physician" means a person licensed to
11 practice medicine or osteopathic medicine and surgery in the state of
12 Washington;

13 (~~(34)~~) (33) "Likelihood of serious harm" means:

14 (a) A substantial risk that: (i) Physical harm will be inflicted
15 by a person upon his or her own person, as evidenced by threats or
16 attempts to commit suicide or inflict physical harm on oneself; (ii)
17 physical harm will be inflicted by a person upon another, as
18 evidenced by behavior which has caused (~~(such)~~) harm, substantial
19 pain, or which places another person or persons in reasonable fear of
20 (~~(sustaining such)~~) harm to themselves or others; or (iii) physical
21 harm will be inflicted by a person upon the property of others, as
22 evidenced by behavior which has caused substantial loss or damage to
23 the property of others; or

24 (b) The person has threatened the physical safety of another and
25 has a history of one or more violent acts;

26 (~~(35)~~) (34) "Medical clearance" means a physician or other
27 health care provider has determined that a person is medically stable
28 and ready for referral to the designated crisis responder;

29 (~~(36)~~) (35) "Mental disorder" means any organic, mental, or
30 emotional impairment which has substantial adverse effects on a
31 person's cognitive or volitional functions;

32 (~~(37)~~) (36) "Mental health professional" means a psychiatrist,
33 psychologist, physician assistant working with a supervising
34 psychiatrist, psychiatric advanced registered nurse practitioner,
35 psychiatric nurse, or social worker, and such other mental health
36 professionals as may be defined by rules adopted by the secretary
37 pursuant to the provisions of this chapter;

38 (~~(38)~~) (37) "~~(Mental)~~ Behavioral health service provider"
39 means a public or private agency that provides mental health,
40 substance use disorder, or co-occurring disorder services to persons

1 with ~~((mental disorders or substance use))~~ behavioral health
2 disorders as defined under this section and receives funding from
3 public sources. This includes, but is not limited to, hospitals
4 licensed under chapter 70.41 RCW, evaluation and treatment facilities
5 as defined in this section, community mental health service delivery
6 systems or community behavioral health programs as defined in RCW
7 71.24.025, facilities conducting competency evaluations and
8 restoration under chapter 10.77 RCW, approved substance use disorder
9 treatment programs as defined in this section, secure withdrawal
10 management and stabilization facilities as defined in this section,
11 and correctional facilities operated by state and local governments;

12 ~~((39))~~ (38) "Peace officer" means a law enforcement official of
13 a public agency or governmental unit, and includes persons
14 specifically given peace officer powers by any state law, local
15 ordinance, or judicial order of appointment;

16 ~~((40))~~ (39) "Physician assistant" means a person licensed as a
17 physician assistant under chapter 18.57A or 18.71A RCW;

18 ~~((41))~~ (40) "Private agency" means any person, partnership,
19 corporation, or association that is not a public agency, whether or
20 not financed in whole or in part by public funds, which constitutes
21 an evaluation and treatment facility or private institution, or
22 hospital, or approved substance use disorder treatment program, which
23 is conducted for, or includes a department or ward conducted for, the
24 care and treatment of persons with ~~((mental illness, substance use
25 disorders, or both mental illness and substance use))~~ behavioral
26 health disorders;

27 ~~((42))~~ (41) "Professional person" means a mental health
28 professional, substance use disorder professional, or designated
29 crisis responder and shall also mean a physician, physician
30 assistant, psychiatric advanced registered nurse practitioner,
31 registered nurse, and such others as may be defined by rules adopted
32 by the secretary pursuant to the provisions of this chapter;

33 ~~((43))~~ (42) "Psychiatric advanced registered nurse
34 practitioner" means a person who is licensed as an advanced
35 registered nurse practitioner pursuant to chapter 18.79 RCW; and who
36 is board certified in advanced practice psychiatric and mental health
37 nursing;

38 ~~((44))~~ (43) "Psychiatrist" means a person having a license as a
39 physician and surgeon in this state who has in addition completed
40 three years of graduate training in psychiatry in a program approved

1 by the American medical association or the American osteopathic
2 association and is certified or eligible to be certified by the
3 American board of psychiatry and neurology;

4 ~~((45))~~ (44) "Psychologist" means a person who has been licensed
5 as a psychologist pursuant to chapter 18.83 RCW;

6 ~~((46))~~ (45) "Public agency" means any evaluation and treatment
7 facility or institution, secure withdrawal management and
8 stabilization facility, approved substance use disorder treatment
9 program, or hospital which is conducted for, or includes a department
10 or ward conducted for, the care and treatment of persons with
11 ~~((mental illness, substance use disorders, or both mental illness and
12 substance use))~~ behavioral health disorders, if the agency is
13 operated directly by federal, state, county, or municipal government,
14 or a combination of such governments;

15 ~~((47))~~ (46) "Release" means legal termination of the commitment
16 under the provisions of this chapter;

17 ~~((48))~~ (47) "Resource management services" has the meaning
18 given in chapter 71.24 RCW;

19 ~~((49))~~ (48) "Secretary" means the secretary of the department
20 of health, or his or her designee;

21 ~~((50))~~ (49) "Secure withdrawal management and stabilization
22 facility" means a facility operated by either a public or private
23 agency or by the program of an agency which provides care to
24 voluntary individuals and individuals involuntarily detained and
25 committed under this chapter for whom there is a likelihood of
26 serious harm or who are gravely disabled due to the presence of a
27 substance use disorder. Secure withdrawal management and
28 stabilization facilities must:

29 (a) Provide the following services:

30 (i) Assessment and treatment, provided by certified substance use
31 disorder professionals or co-occurring disorder specialists;

32 (ii) Clinical stabilization services;

33 (iii) Acute or subacute detoxification services for intoxicated
34 individuals; and

35 (iv) Discharge assistance provided by certified substance use
36 disorder professionals or co-occurring disorder specialists,
37 including facilitating transitions to appropriate voluntary or
38 involuntary inpatient services or to less restrictive alternatives as
39 appropriate for the individual;

1 (b) Include security measures sufficient to protect the patients,
2 staff, and community; and

3 (c) Be licensed or certified as such by the department of health;
4 ~~((51) "Serious violent offense" has the same meaning as provided~~
5 ~~in RCW 9.94A.030;~~

6 ~~(52))~~ (50) "Social worker" means a person with a master's or
7 further advanced degree from a social work educational program
8 accredited and approved as provided in RCW 18.320.010;

9 ~~((53))~~ (51) "Substance use disorder" means a cluster of
10 cognitive, behavioral, and physiological symptoms indicating that an
11 individual continues using the substance despite significant
12 substance-related problems. The diagnosis of a substance use disorder
13 is based on a pathological pattern of behaviors related to the use of
14 the substances;

15 ~~((54))~~ (52) "Substance use disorder professional" means a
16 person certified as a substance use disorder professional by the
17 department of health under chapter 18.205 RCW;

18 ~~((55))~~ (53) "Therapeutic court personnel" means the staff of a
19 mental health court or other therapeutic court which has jurisdiction
20 over defendants who are dually diagnosed with mental disorders,
21 including court personnel, probation officers, a court monitor,
22 prosecuting attorney, or defense counsel acting within the scope of
23 therapeutic court duties;

24 ~~((56))~~ (54) "Treatment records" include registration and all
25 other records concerning persons who are receiving or who at any time
26 have received services for ~~((mental illness))~~ behavioral health
27 disorders, which are maintained by the department of social and
28 health services, the department, the authority, behavioral health
29 administrative services organizations and their staffs, managed care
30 organizations and their staffs, and by treatment facilities.
31 Treatment records include mental health information contained in a
32 medical bill including but not limited to mental health drugs, a
33 mental health diagnosis, provider name, and dates of service stemming
34 from a medical service. Treatment records do not include notes or
35 records maintained for personal use by a person providing treatment
36 services for the department of social and health services, the
37 department, the authority, behavioral health administrative services
38 organizations, managed care organizations, or a treatment facility if
39 the notes or records are not available to others;

1 ((57)) (55) "Triage facility" means a short-term facility or a
2 portion of a facility licensed or certified by the department, which
3 is designed as a facility to assess and stabilize an individual or
4 determine the need for involuntary commitment of an individual, and
5 must meet department residential treatment facility standards. A
6 triage facility may be structured as a voluntary or involuntary
7 placement facility;

8 ((58)) (56) "Violent act" means behavior that resulted in
9 homicide, attempted suicide, (~~nonfatal injuries~~) injury, or
10 substantial loss or damage to property;

11 (57) "Behavioral health disorder" means either a mental disorder
12 as defined in this section, a substance use disorder as defined in
13 this section, or a co-occurring mental disorder and substance use
14 disorder;

15 (58) "Severe deterioration from safe behavior" means that a
16 person will, if not treated, suffer or continue to suffer severe and
17 abnormal mental, emotional, or physical distress, and this distress
18 is associated with significant impairment of judgment, reason, or
19 behavior;

20 (59) "Written order of apprehension" means an order of the court
21 for a peace officer to deliver the named person in the order to a
22 facility or emergency room as determined by the designated crisis
23 responder. Such orders shall be entered into the Washington crime
24 information center database;

25 (60) "Video," unless the context clearly indicates otherwise,
26 means the delivery of behavioral health services through the use of
27 interactive audio and video technology, permitting real-time
28 communication between a person and a designated crisis responder, for
29 the purpose of evaluation. "Video" does not include the use of audio-
30 only telephone, facsimile, email, or store and forward technology.
31 "Store and forward technology" means use of an asynchronous
32 transmission of a person's medical information from a mental health
33 service provider to the designated crisis responder which results in
34 medical diagnosis, consultation, or treatment.

35 **Sec. 4.** RCW 71.05.025 and 2019 c 325 s 3002 are each amended to
36 read as follows:

37 The legislature intends that the procedures and services
38 authorized in this chapter be integrated with those in chapter 71.24
39 RCW to the maximum extent necessary to assure ((a)) an appropriate

1 continuum of care (~~(to)~~) for persons with (~~(mental illness or who~~
2 ~~have mental disorders or substance use)~~) behavioral health disorders,
3 as defined in either or both this chapter and chapter 71.24 RCW. To
4 this end, behavioral health administrative services organizations
5 established in accordance with chapter 71.24 RCW shall institute
6 procedures which require timely consultation with resource management
7 services by designated crisis responders, managed care organizations,
8 evaluation and treatment facilities, secure (~~(detoxification)~~)
9 withdrawal management and stabilization facilities, and approved
10 substance use disorder treatment programs to assure that
11 determinations to admit, detain, commit, treat, discharge, or release
12 persons with (~~(mental disorders or substance use)~~) behavioral health
13 disorders under this chapter are made only after appropriate
14 information regarding such person's treatment history and current
15 treatment plan has been sought from resource management services.

16 **Sec. 5.** RCW 71.05.026 and 2019 c 325 s 3003 are each amended to
17 read as follows:

18 (1) Except for monetary damage claims which have been reduced to
19 final judgment by a superior court, this section applies to all
20 claims against the state, state agencies, state officials, or state
21 employees that exist on or arise after March 29, 2006.

22 (2) Except as expressly provided in contracts entered into by the
23 authority, the entities identified in subsection (3) of this section
24 shall have no claim for declaratory relief, injunctive relief,
25 judicial review under chapter 34.05 RCW, or civil liability against
26 the state or state agencies for actions or inactions performed
27 pursuant to the administration of this chapter with regard to the
28 following: (a) The allocation or payment of federal or state funds;
29 (b) the use or allocation of state hospital beds; or (c) financial
30 responsibility for the provision of inpatient (~~(mental health care or~~
31 ~~inpatient substance use)~~) behavioral health disorder treatment and
32 care.

33 (3) This section applies to counties, behavioral health
34 administrative services organizations, managed care organizations,
35 and entities which contract to provide behavioral health services and
36 their subcontractors, agents, or employees.

37 **Sec. 6.** RCW 71.05.030 and 1998 c 297 s 4 are each amended to
38 read as follows:

1 Persons suffering from a (~~mental~~) behavioral health disorder
2 may not be involuntarily committed for treatment of such disorder
3 except pursuant to provisions of this chapter, chapter 10.77 RCW,
4 chapter 71.06 RCW, chapter 71.34 RCW, transfer pursuant to RCW
5 72.68.031 through 72.68.037, or pursuant to court ordered evaluation
6 and treatment not to exceed ninety days pending a criminal trial or
7 sentencing.

8 **Sec. 7.** RCW 71.05.040 and 2018 c 201 s 3004 are each amended to
9 read as follows:

10 Persons with developmental disabilities, impaired by substance
11 use disorder, or suffering from dementia shall not be detained for
12 evaluation and treatment or judicially committed solely by reason of
13 that condition unless such condition causes a person to be gravely
14 disabled or (~~as a result of a mental disorder such condition exists~~
15 ~~that constitutes~~) to present a likelihood of serious harm. However,
16 persons with developmental disabilities, impaired by substance use
17 disorder, or suffering from dementia and who otherwise meet the
18 criteria for detention or judicial commitment are not ineligible for
19 detention or commitment based on this condition alone.

20 **Sec. 8.** RCW 71.05.050 and 2019 c 446 s 3 are each amended to
21 read as follows:

22 (1) Nothing in this chapter shall be construed to limit the right
23 of any person to apply voluntarily to any public or private agency or
24 practitioner for treatment of a (~~mental disorder or substance use~~)
25 behavioral health disorder, either by direct application or by
26 referral. Any person voluntarily admitted for inpatient treatment to
27 any public or private agency shall be released immediately upon his
28 or her request. Any person voluntarily admitted for inpatient
29 treatment to any public or private agency shall orally be advised of
30 the right to immediate discharge, and further advised of such rights
31 in writing as are secured to them pursuant to this chapter and their
32 rights of access to attorneys, courts, and other legal redress. Their
33 condition and status shall be reviewed at least once each one hundred
34 eighty days for evaluation as to the need for further treatment or
35 possible discharge, at which time they shall again be advised of
36 their right to discharge upon request.

37 (2) If the professional staff of any public or private agency or
38 hospital regards a person voluntarily admitted who requests discharge

1 as presenting, as a result of a (~~mental disorder or substance use~~)
2 behavioral health disorder, an imminent likelihood of serious harm,
3 or is gravely disabled, they may detain such person for sufficient
4 time to notify the designated crisis responder of such person's
5 condition to enable the designated crisis responder to authorize such
6 person being further held in custody or transported to an evaluation
7 and treatment center, secure withdrawal management and stabilization
8 facility, or approved substance use disorder treatment program
9 pursuant to the provisions of this chapter, which shall in ordinary
10 circumstances be no later than the next judicial day.

11 (3) If a person is brought to the emergency room of a public or
12 private agency or hospital for observation or treatment, the person
13 refuses voluntary admission, and the professional staff of the public
14 or private agency or hospital regard such person as presenting as a
15 result of a (~~mental disorder or substance use~~) behavioral health
16 disorder an imminent likelihood of serious harm, or as presenting an
17 imminent danger because of grave disability, they may detain such
18 person for sufficient time to notify the designated crisis responder
19 of such person's condition to enable the designated crisis responder
20 to authorize such person being further held in custody or transported
21 to an evaluation treatment center, secure withdrawal management and
22 stabilization facility, or approved substance use disorder treatment
23 program pursuant to the conditions in this chapter, but which time
24 shall be no more than six hours from the time the professional staff
25 notify the designated crisis responder of the need for evaluation,
26 not counting time periods prior to medical clearance.

27 (4) Dismissal of a commitment petition is not the appropriate
28 remedy for a violation of the timeliness requirements of this section
29 based on the intent of this chapter under RCW 71.05.010 except in the
30 few cases where the facility staff or designated crisis responder has
31 totally disregarded the requirements of this section.

32 **Sec. 9.** RCW 71.05.100 and 2018 c 201 s 3005 are each amended to
33 read as follows:

34 In addition to the responsibility provided for by RCW 43.20B.330,
35 any person, or his or her estate, or his or her spouse, (~~or the~~
36 ~~parents of a minor person~~) who is involuntarily detained pursuant to
37 this chapter for the purpose of treatment and evaluation outside of a
38 facility maintained and operated by the department of social and
39 health services shall be responsible for the cost of such care and

1 treatment. In the event that an individual is unable to pay for such
2 treatment or in the event payment would result in a substantial
3 hardship upon the individual or his or her family, then the county of
4 residence of such person shall be responsible for such costs. If it
5 is not possible to determine the county of residence of the person,
6 the cost shall be borne by the county where the person was originally
7 detained. The department of social and health services, or the
8 authority, as appropriate, shall, pursuant to chapter 34.05 RCW,
9 adopt standards as to (1) inability to pay in whole or in part, (2) a
10 definition of substantial hardship, and (3) appropriate payment
11 schedules. Financial responsibility with respect to services and
12 facilities of the department of social and health services shall
13 continue to be as provided in RCW 43.20B.320 through 43.20B.360 and
14 43.20B.370.

15 **Sec. 10.** RCW 71.05.120 and 2019 c 446 s 22 are each amended to
16 read as follows:

17 (1) No officer of a public or private agency, nor the
18 superintendent, professional person in charge, his or her
19 professional designee, or attending staff of any such agency, nor any
20 public official performing functions necessary to the administration
21 of this chapter, nor peace officer responsible for detaining a person
22 pursuant to this chapter, nor any designated crisis responder, nor
23 the state, a unit of local government, an evaluation and treatment
24 facility, a secure withdrawal management and stabilization facility,
25 or an approved substance use disorder treatment program shall be
26 civilly or criminally liable for performing duties pursuant to this
27 chapter with regard to the decision of whether to admit, discharge,
28 release, administer antipsychotic medications, or detain a person for
29 evaluation and treatment: PROVIDED, That such duties were performed
30 in good faith and without gross negligence.

31 (2) Peace officers and their employing agencies are not liable
32 for the referral of a person, or the failure to refer a person, to a
33 (~~mental~~) behavioral health agency pursuant to a policy adopted
34 pursuant to RCW 71.05.457 if such action or inaction is taken in good
35 faith and without gross negligence.

36 (3) This section does not relieve a person from giving the
37 required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the
38 duty to warn or to take reasonable precautions to provide protection
39 from violent behavior where the patient has communicated an actual

1 threat of physical violence against a reasonably identifiable victim
2 or victims. The duty to warn or to take reasonable precautions to
3 provide protection from violent behavior is discharged if reasonable
4 efforts are made to communicate the threat to the victim or victims
5 and to law enforcement personnel.

6 **Sec. 11.** RCW 71.05.150 and 2019 c 446 s 4 are each amended to
7 read as follows:

8 (1) When a designated crisis responder receives information
9 alleging that a person, as a result of a (~~mental~~) behavioral health
10 disorder, (~~substance use disorder, or both~~) presents a likelihood
11 of serious harm or is gravely disabled, or that a person is in need
12 of assisted outpatient behavioral health treatment; the designated
13 crisis responder may, after investigation and evaluation of the
14 specific facts alleged and of the reliability and credibility of any
15 person providing information to initiate detention or involuntary
16 outpatient treatment, if satisfied that the allegations are true and
17 that the person will not voluntarily seek appropriate treatment, file
18 a petition for initial detention under this section or a petition for
19 involuntary outpatient behavioral health treatment under RCW
20 71.05.148. Before filing the petition, the designated crisis
21 responder must personally interview the person, unless the person
22 refuses an interview, and determine whether the person will
23 voluntarily receive appropriate evaluation and treatment at an
24 evaluation and treatment facility, crisis stabilization unit, triage
25 facility, or approved substance use disorder treatment program. The
26 interview performed by the designated crisis responder may be
27 conducted by video provided that a licensed health care professional
28 or professional person who can adequately and accurately assist with
29 obtaining any necessary information is present with the person at the
30 time of the interview.

31 (2) (a) (~~An~~) A written order of apprehension to detain a person
32 with a (~~mental~~) behavioral health disorder to a designated
33 evaluation and treatment facility, (~~or to detain a person with a~~
34 ~~substance use disorder to~~) a secure withdrawal management and
35 stabilization facility, or an approved substance use disorder
36 treatment program, for not more than a seventy-two-hour evaluation
37 and treatment period may be issued by a judge of the superior court
38 upon request of a designated crisis responder, subject to (d) of this

1 subsection, whenever it appears to the satisfaction of a judge of the
2 superior court:

3 (i) That there is probable cause to support the petition; and

4 (ii) That the person has refused or failed to accept appropriate
5 evaluation and treatment voluntarily.

6 (b) The petition for initial detention, signed under penalty of
7 perjury, or sworn telephonic testimony may be considered by the court
8 in determining whether there are sufficient grounds for issuing the
9 order.

10 (c) The order shall designate retained counsel or, if counsel is
11 appointed from a list provided by the court, the name, business
12 address, and telephone number of the attorney appointed to represent
13 the person.

14 (d) A court may not issue an order to detain a person to a secure
15 withdrawal management and stabilization facility or approved
16 substance use disorder treatment program unless there is an available
17 secure withdrawal management and stabilization facility or approved
18 substance use disorder treatment program that has adequate space for
19 the person.

20 (e) If the court does not issue an order to detain a person
21 pursuant to this subsection (2), the court shall issue an order to
22 dismiss the initial petition.

23 (3) The designated crisis responder shall then serve or cause to
24 be served on such person, his or her guardian, and conservator, if
25 any, a copy of the order together with a notice of rights, and a
26 petition for initial detention. After service on such person the
27 designated crisis responder shall file the return of service in court
28 and provide copies of all papers in the court file to the evaluation
29 and treatment facility, secure withdrawal management and
30 stabilization facility, or approved substance use disorder treatment
31 program, and the designated attorney. The designated crisis responder
32 shall notify the court and the prosecuting attorney that a probable
33 cause hearing will be held within seventy-two hours of the date and
34 time of outpatient evaluation or admission to the evaluation and
35 treatment facility, secure withdrawal management and stabilization
36 facility, or approved substance use disorder treatment program. The
37 person shall be permitted to be accompanied by one or more of his or
38 her relatives, friends, an attorney, a personal physician, or other
39 professional or religious advisor to the place of evaluation. An
40 attorney accompanying the person to the place of evaluation shall be

1 permitted to be present during the admission evaluation. Any other
2 individual accompanying the person may be present during the
3 admission evaluation. The facility may exclude the individual if his
4 or her presence would present a safety risk, delay the proceedings,
5 or otherwise interfere with the evaluation.

6 (4) The designated crisis responder may notify a peace officer to
7 take such person or cause such person to be taken into custody and
8 placed in an evaluation and treatment facility, secure withdrawal
9 management and stabilization facility, or approved substance use
10 disorder treatment program. At the time such person is taken into
11 custody there shall commence to be served on such person, his or her
12 guardian, and conservator, if any, a copy of the original order
13 together with a notice of rights and a petition for initial
14 detention.

15 **Sec. 12.** RCW 71.05.150 and 2019 c 446 s 4 are each amended to
16 read as follows:

17 (1) When a designated crisis responder receives information
18 alleging that a person, as a result of a (~~mental~~) behavioral health
19 disorder, (~~substance use disorder, or both~~) presents a likelihood
20 of serious harm or is gravely disabled, or that a person is in need
21 of assisted outpatient behavioral health treatment; the designated
22 crisis responder may, after investigation and evaluation of the
23 specific facts alleged and of the reliability and credibility of any
24 person providing information to initiate detention or involuntary
25 outpatient treatment, if satisfied that the allegations are true and
26 that the person will not voluntarily seek appropriate treatment, file
27 a petition for initial detention under this section or a petition for
28 involuntary outpatient behavioral health treatment under RCW
29 71.05.148. Before filing the petition, the designated crisis
30 responder must personally interview the person, unless the person
31 refuses an interview, and determine whether the person will
32 voluntarily receive appropriate evaluation and treatment at an
33 evaluation and treatment facility, crisis stabilization unit, triage
34 facility, or approved substance use disorder treatment program. The
35 interview performed by the designated crisis responder may be
36 conducted by video provided that a licensed health care professional
37 or professional person who can adequately and accurately assist with
38 obtaining any necessary information is present with the person at the
39 time of the interview.

1 (2) (a) ~~((An))~~ A written order of apprehension to detain a person
2 with a ~~((mental))~~ behavioral health disorder to a designated
3 evaluation and treatment facility, ~~((or to detain a person with a~~
4 ~~substance use disorder to))~~ a secure withdrawal management and
5 stabilization facility, or an approved substance use disorder
6 treatment program, for a period of not more than ~~((a seventy-two-~~
7 ~~hour))~~ one hundred twenty hours for evaluation and treatment
8 ~~((period))~~, may be issued by a judge of the superior court upon
9 request of a designated crisis responder, subject to (d) of this
10 subsection, whenever it appears to the satisfaction of a judge of the
11 superior court:

12 (i) That there is probable cause to support the petition; and

13 (ii) That the person has refused or failed to accept appropriate
14 evaluation and treatment voluntarily.

15 (b) The petition for initial detention, signed under penalty of
16 perjury, or sworn telephonic testimony may be considered by the court
17 in determining whether there are sufficient grounds for issuing the
18 order.

19 (c) The order shall designate retained counsel or, if counsel is
20 appointed from a list provided by the court, the name, business
21 address, and telephone number of the attorney appointed to represent
22 the person.

23 (d) A court may not issue an order to detain a person to a secure
24 withdrawal management and stabilization facility or approved
25 substance use disorder treatment program unless there is an available
26 secure withdrawal management and stabilization facility or approved
27 substance use disorder treatment program that has adequate space for
28 the person.

29 (e) If the court does not issue an order to detain a person
30 pursuant to this subsection (2), the court shall issue an order to
31 dismiss the initial petition.

32 (3) The designated crisis responder shall then serve or cause to
33 be served on such person, his or her guardian, and conservator, if
34 any, a copy of the order together with a notice of rights, and a
35 petition for initial detention. After service on such person the
36 designated crisis responder shall file the return of service in court
37 and provide copies of all papers in the court file to the evaluation
38 and treatment facility, secure withdrawal management and
39 stabilization facility, or approved substance use disorder treatment
40 program, and the designated attorney. The designated crisis responder

1 shall notify the court and the prosecuting attorney that a probable
2 cause hearing will be held within (~~seventy-two~~) one hundred twenty
3 hours of the date and time of outpatient evaluation or admission to
4 the evaluation and treatment facility, secure withdrawal management
5 and stabilization facility, or approved substance use disorder
6 treatment program. The person shall be permitted to be accompanied by
7 one or more of his or her relatives, friends, an attorney, a personal
8 physician, or other professional or religious advisor to the place of
9 evaluation. An attorney accompanying the person to the place of
10 evaluation shall be permitted to be present during the admission
11 evaluation. Any other individual accompanying the person may be
12 present during the admission evaluation. The facility may exclude the
13 individual if his or her presence would present a safety risk, delay
14 the proceedings, or otherwise interfere with the evaluation.

15 (4) The designated crisis responder may notify a peace officer to
16 take such person or cause such person to be taken into custody and
17 placed in an evaluation and treatment facility, secure withdrawal
18 management and stabilization facility, or approved substance use
19 disorder treatment program. At the time such person is taken into
20 custody there shall commence to be served on such person, his or her
21 guardian, and conservator, if any, a copy of the original order
22 together with a notice of rights and a petition for initial
23 detention.

24 **Sec. 13.** RCW 71.05.150 and 2019 c 446 s 5 are each amended to
25 read as follows:

26 (1) When a designated crisis responder receives information
27 alleging that a person, as a result of a (~~mental~~) behavioral health
28 disorder, (~~substance use disorder, or both~~) presents a likelihood
29 of serious harm or is gravely disabled, or that a person is in need
30 of assisted outpatient behavioral health treatment; the designated
31 crisis responder may, after investigation and evaluation of the
32 specific facts alleged and of the reliability and credibility of any
33 person providing information to initiate detention or involuntary
34 outpatient treatment, if satisfied that the allegations are true and
35 that the person will not voluntarily seek appropriate treatment, file
36 a petition for initial detention under this section or a petition for
37 involuntary outpatient behavioral health treatment under RCW
38 71.05.148. Before filing the petition, the designated crisis
39 responder must personally interview the person, unless the person

1 refuses an interview, and determine whether the person will
2 voluntarily receive appropriate evaluation and treatment at an
3 evaluation and treatment facility, crisis stabilization unit, triage
4 facility, or approved substance use disorder treatment program. The
5 interview performed by the designated crisis responder may be
6 conducted by video provided that a licensed health care professional
7 or professional person who can adequately and accurately assist with
8 obtaining any necessary information is present with the person at the
9 time of the interview.

10 (2) (a) (~~(An)~~) A written order of apprehension to detain a person
11 with a (~~mental~~) behavioral health disorder to a designated
12 evaluation and treatment facility, (~~or to detain a person with a~~
13 ~~substance use disorder to~~) a secure withdrawal management and
14 stabilization facility, or an approved substance use disorder
15 treatment program, for a period of not more than (~~a seventy-two~~
16 ~~hour~~) one hundred twenty hours for evaluation and treatment
17 (~~period~~), may be issued by a judge of the superior court upon
18 request of a designated crisis responder whenever it appears to the
19 satisfaction of a judge of the superior court:

20 (i) That there is probable cause to support the petition; and

21 (ii) That the person has refused or failed to accept appropriate
22 evaluation and treatment voluntarily.

23 (b) The petition for initial detention, signed under penalty of
24 perjury, or sworn telephonic testimony may be considered by the court
25 in determining whether there are sufficient grounds for issuing the
26 order.

27 (c) The order shall designate retained counsel or, if counsel is
28 appointed from a list provided by the court, the name, business
29 address, and telephone number of the attorney appointed to represent
30 the person.

31 (d) If the court does not issue an order to detain a person
32 pursuant to this subsection (2), the court shall issue an order to
33 dismiss the initial petition.

34 (3) The designated crisis responder shall then serve or cause to
35 be served on such person, his or her guardian, and conservator, if
36 any, a copy of the order together with a notice of rights, and a
37 petition for initial detention. After service on such person the
38 designated crisis responder shall file the return of service in court
39 and provide copies of all papers in the court file to the evaluation
40 and treatment facility, secure withdrawal management and

1 stabilization facility, or approved substance use disorder treatment
2 program, and the designated attorney. The designated crisis responder
3 shall notify the court and the prosecuting attorney that a probable
4 cause hearing will be held within (~~seventy-two~~) one hundred twenty
5 hours of the date and time of outpatient evaluation or admission to
6 the evaluation and treatment facility, secure withdrawal management
7 and stabilization facility, or approved substance use disorder
8 treatment program. The person shall be permitted to be accompanied by
9 one or more of his or her relatives, friends, an attorney, a personal
10 physician, or other professional or religious advisor to the place of
11 evaluation. An attorney accompanying the person to the place of
12 evaluation shall be permitted to be present during the admission
13 evaluation. Any other individual accompanying the person may be
14 present during the admission evaluation. The facility may exclude the
15 individual if his or her presence would present a safety risk, delay
16 the proceedings, or otherwise interfere with the evaluation.

17 (4) The designated crisis responder may notify a peace officer to
18 take such person or cause such person to be taken into custody and
19 placed in an evaluation and treatment facility, secure withdrawal
20 management and stabilization facility, or approved substance use
21 disorder treatment program. At the time such person is taken into
22 custody there shall commence to be served on such person, his or her
23 guardian, and conservator, if any, a copy of the original order
24 together with a notice of rights and a petition for initial
25 detention.

26 **Sec. 14.** RCW 71.05.153 and 2019 c 446 s 6 are each amended to
27 read as follows:

28 (1) When a designated crisis responder receives information
29 alleging that a person, as the result of a (~~mental~~) behavioral
30 health disorder, presents an imminent likelihood of serious harm, or
31 is in imminent danger because of being gravely disabled, after
32 investigation and evaluation of the specific facts alleged and of the
33 reliability and credibility of the person or persons providing the
34 information if any, the designated crisis responder may take such
35 person, or cause by oral or written order such person to be taken
36 into emergency custody in an evaluation and treatment facility,
37 secure withdrawal management and stabilization facility if available
38 with adequate space for the person, or approved substance use
39 disorder treatment program if available with adequate space for the

1 person, for not more than seventy-two hours as described in RCW
2 71.05.180.

3 ~~(2) ((When a designated crisis responder receives information~~
4 ~~alleging that a person, as the result of substance use disorder,~~
5 ~~presents an imminent likelihood of serious harm, or is in imminent~~
6 ~~danger because of being gravely disabled, after investigation and~~
7 ~~evaluation of the specific facts alleged and of the reliability and~~
8 ~~credibility of the person or persons providing the information if~~
9 ~~any, the designated crisis responder may take the person, or cause by~~
10 ~~oral or written order the person to be taken, into emergency custody~~
11 ~~in a secure withdrawal management and stabilization facility or~~
12 ~~approved substance use disorder treatment program for not more than~~
13 ~~seventy-two hours as described in RCW 71.05.180, if a secure~~
14 ~~withdrawal management and stabilization facility or approved~~
15 ~~substance use disorder treatment program is available and has~~
16 ~~adequate space for the person.~~

17 ~~(3))~~ (a) Subject to (b) of this subsection, a peace officer may
18 take or cause such person to be taken into custody and immediately
19 delivered to a triage facility, crisis stabilization unit, evaluation
20 and treatment facility, secure withdrawal management and
21 stabilization facility, approved substance use disorder treatment
22 program, or the emergency department of a local hospital under the
23 following circumstances:

24 (i) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or

25 (ii) When he or she has reasonable cause to believe that such
26 person is suffering from a ~~((mental))~~ behavioral health disorder ~~((or~~
27 ~~substance use disorder))~~ and presents an imminent likelihood of
28 serious harm or is in imminent danger because of being gravely
29 disabled.

30 (b) A peace officer's delivery of a person, ~~((based on a~~
31 ~~substance use disorder,))~~ to a secure withdrawal management and
32 stabilization facility or approved substance use disorder treatment
33 program is subject to the availability of a secure withdrawal
34 management and stabilization facility or approved substance use
35 disorder treatment program with adequate space for the person.

36 ~~((4))~~ (3) Persons delivered to a crisis stabilization unit,
37 evaluation and treatment facility, emergency department of a local
38 hospital, triage facility that has elected to operate as an
39 involuntary facility, secure withdrawal management and stabilization
40 facility, or approved substance use disorder treatment program by

1 peace officers pursuant to subsection (~~(3)~~) (2) of this section may
2 be held by the facility for a period of up to twelve hours, not
3 counting time periods prior to medical clearance.

4 (~~(5)~~) (4) Within three hours after arrival, not counting time
5 periods prior to medical clearance, the person must be examined by a
6 mental health professional or substance use disorder professional.
7 Within twelve hours of notice of the need for evaluation, not
8 counting time periods prior to medical clearance, the designated
9 crisis responder must determine whether the individual meets
10 detention criteria. The interview performed by the designated crisis
11 responder may be conducted by video provided that a licensed health
12 care professional or professional person who can adequately and
13 accurately assist with obtaining any necessary information is present
14 with the person at the time of the interview. If the individual is
15 detained, the designated crisis responder shall file a petition for
16 detention or a supplemental petition as appropriate and commence
17 service on the designated attorney for the detained person. If the
18 individual is released to the community, the (~~mental~~) behavioral
19 health service provider shall inform the peace officer of the release
20 within a reasonable period of time after the release if the peace
21 officer has specifically requested notification and provided contact
22 information to the provider.

23 (~~(6)~~) (5) Dismissal of a commitment petition is not the
24 appropriate remedy for a violation of the timeliness requirements of
25 this section based on the intent of this chapter under RCW 71.05.010
26 except in the few cases where the facility staff or designated
27 (~~mental health professional~~) crisis responder has totally
28 disregarded the requirements of this section.

29 **Sec. 15.** RCW 71.05.153 and 2019 c 446 s 6 are each amended to
30 read as follows:

31 (1) When a designated crisis responder receives information
32 alleging that a person, as the result of a (~~mental~~) behavioral
33 health disorder, presents an imminent likelihood of serious harm, or
34 is in imminent danger because of being gravely disabled, after
35 investigation and evaluation of the specific facts alleged and of the
36 reliability and credibility of the person or persons providing the
37 information if any, the designated crisis responder may take such
38 person, or cause by oral or written order such person to be taken
39 into emergency custody in an evaluation and treatment facility,

1 secure withdrawal management and stabilization facility if available
2 with adequate space for the person, or approved substance use
3 disorder treatment program if available with adequate space for the
4 person, for not more than ~~((seventy-two))~~ one hundred twenty hours as
5 described in RCW 71.05.180.

6 ~~((When a designated crisis responder receives information~~
7 ~~alleging that a person, as the result of substance use disorder,~~
8 ~~presents an imminent likelihood of serious harm, or is in imminent~~
9 ~~danger because of being gravely disabled, after investigation and~~
10 ~~evaluation of the specific facts alleged and of the reliability and~~
11 ~~credibility of the person or persons providing the information if~~
12 ~~any, the designated crisis responder may take the person, or cause by~~
13 ~~oral or written order the person to be taken, into emergency custody~~
14 ~~in a secure withdrawal management and stabilization facility or~~
15 ~~approved substance use disorder treatment program for not more than~~
16 ~~seventy-two hours as described in RCW 71.05.180, if a secure~~
17 ~~withdrawal management and stabilization facility or approved~~
18 ~~substance use disorder treatment program is available and has~~
19 ~~adequate space for the person.~~

20 ~~(3))~~ (a) Subject to (b) of this subsection, a peace officer may
21 take or cause such person to be taken into custody and immediately
22 delivered to a triage facility, crisis stabilization unit, evaluation
23 and treatment facility, secure withdrawal management and
24 stabilization facility, approved substance use disorder treatment
25 program, or the emergency department of a local hospital under the
26 following circumstances:

27 (i) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or
28 (ii) When he or she has reasonable cause to believe that such
29 person is suffering from a ~~((mental))~~ behavioral health disorder ~~((or~~
30 ~~substance use disorder))~~ and presents an imminent likelihood of
31 serious harm or is in imminent danger because of being gravely
32 disabled.

33 (b) A peace officer's delivery of a person, ~~((based on a~~
34 ~~substance use disorder,))~~ to a secure withdrawal management and
35 stabilization facility or approved substance use disorder treatment
36 program is subject to the availability of a secure withdrawal
37 management and stabilization facility or approved substance use
38 disorder treatment program with adequate space for the person.

39 ~~((4))~~ (3) Persons delivered to a crisis stabilization unit,
40 evaluation and treatment facility, emergency department of a local

1 hospital, triage facility that has elected to operate as an
2 involuntary facility, secure withdrawal management and stabilization
3 facility, or approved substance use disorder treatment program by
4 peace officers pursuant to subsection ~~((3))~~ (2) of this section may
5 be held by the facility for a period of up to twelve hours, not
6 counting time periods prior to medical clearance.

7 ~~((5))~~ (4) Within three hours after arrival, not counting time
8 periods prior to medical clearance, the person must be examined by a
9 mental health professional or substance use disorder professional.
10 Within twelve hours of notice of the need for evaluation, not
11 counting time periods prior to medical clearance, the designated
12 crisis responder must determine whether the individual meets
13 detention criteria. The interview performed by the designated crisis
14 responder may be conducted by video provided that a licensed health
15 care professional or professional person who can adequately and
16 accurately assist with obtaining any necessary information is present
17 with the person at the time of the interview. If the individual is
18 detained, the designated crisis responder shall file a petition for
19 detention or a supplemental petition as appropriate and commence
20 service on the designated attorney for the detained person. If the
21 individual is released to the community, the ~~((mental))~~ behavioral
22 health service provider shall inform the peace officer of the release
23 within a reasonable period of time after the release if the peace
24 officer has specifically requested notification and provided contact
25 information to the provider.

26 ~~((6))~~ (5) Dismissal of a commitment petition is not the
27 appropriate remedy for a violation of the timeliness requirements of
28 this section based on the intent of this chapter under RCW 71.05.010
29 except in the few cases where the facility staff or designated
30 ~~((mental health professional))~~ crisis responder has totally
31 disregarded the requirements of this section.

32 **Sec. 16.** RCW 71.05.153 and 2019 c 446 s 7 are each amended to
33 read as follows:

34 (1) When a designated crisis responder receives information
35 alleging that a person, as the result of a ~~((mental))~~ behavioral
36 health disorder, presents an imminent likelihood of serious harm, or
37 is in imminent danger because of being gravely disabled, after
38 investigation and evaluation of the specific facts alleged and of the
39 reliability and credibility of the person or persons providing the

1 information if any, the designated crisis responder may take such
2 person, or cause by oral or written order such person to be taken
3 into emergency custody in an evaluation and treatment facility,
4 secure withdrawal management and stabilization facility, or approved
5 substance use disorder treatment program, for not more than
6 ~~((seventy-two))~~ one hundred twenty hours as described in RCW
7 71.05.180.

8 ~~(2) ((When a designated crisis responder receives information~~
9 ~~alleging that a person, as the result of substance use disorder,~~
10 ~~presents an imminent likelihood of serious harm, or is in imminent~~
11 ~~danger because of being gravely disabled, after investigation and~~
12 ~~evaluation of the specific facts alleged and of the reliability and~~
13 ~~credibility of the person or persons providing the information if~~
14 ~~any, the designated crisis responder may take the person, or cause by~~
15 ~~oral or written order the person to be taken, into emergency custody~~
16 ~~in a secure withdrawal management and stabilization facility or~~
17 ~~approved substance use disorder treatment program for not more than~~
18 ~~seventy-two hours as described in RCW 71.05.180.~~

19 ~~(3))~~ A peace officer may take or cause such person to be taken
20 into custody and immediately delivered to a triage facility, crisis
21 stabilization unit, evaluation and treatment facility, secure
22 withdrawal management and stabilization facility, approved substance
23 use disorder treatment program, or the emergency department of a
24 local hospital under the following circumstances:

25 (a) Pursuant to subsection (1) ~~((or (2)))~~ of this section; or

26 (b) When he or she has reasonable cause to believe that such
27 person is suffering from a ~~((mental))~~ behavioral health disorder ~~((or~~
28 ~~substance use disorder))~~ and presents an imminent likelihood of
29 serious harm or is in imminent danger because of being gravely
30 disabled.

31 ~~((4))~~ (3) Persons delivered to a crisis stabilization unit,
32 evaluation and treatment facility, emergency department of a local
33 hospital, triage facility that has elected to operate as an
34 involuntary facility, secure withdrawal management and stabilization
35 facility, or approved substance use disorder treatment program by
36 peace officers pursuant to subsection ~~((3))~~ (2) of this section may
37 be held by the facility for a period of up to twelve hours, not
38 counting time periods prior to medical clearance.

39 ~~((5))~~ (4) Within three hours after arrival, not counting time
40 periods prior to medical clearance, the person must be examined by a

1 mental health professional or substance use disorder professional.
2 Within twelve hours of notice of the need for evaluation, not
3 counting time periods prior to medical clearance, the designated
4 crisis responder must determine whether the individual meets
5 detention criteria. The interview performed by the designated crisis
6 responder may be conducted by video provided that a licensed health
7 care professional or professional person who can adequately and
8 accurately assist with obtaining any necessary information is present
9 with the person at the time of the interview. If the individual is
10 detained, the designated crisis responder shall file a petition for
11 detention or a supplemental petition as appropriate and commence
12 service on the designated attorney for the detained person. If the
13 individual is released to the community, the (~~mental~~) behavioral
14 health service provider shall inform the peace officer of the release
15 within a reasonable period of time after the release if the peace
16 officer has specifically requested notification and provided contact
17 information to the provider.

18 (~~(6)~~) (5) Dismissal of a commitment petition is not the
19 appropriate remedy for a violation of the timeliness requirements of
20 this section based on the intent of this chapter under RCW 71.05.010
21 except in the few cases where the facility staff or designated
22 (~~mental health professional~~) crisis responder has totally
23 disregarded the requirements of this section.

24 **Sec. 17.** RCW 71.05.160 and 2019 c 446 s 19 are each amended to
25 read as follows:

26 (1) Any facility receiving a person pursuant to RCW 71.05.150 or
27 71.05.153 shall require the designated crisis responder to prepare a
28 petition for initial detention stating the circumstances under which
29 the person's condition was made known and stating that there is
30 evidence, as a result of his or her personal observation or
31 investigation, that the actions of the person for which application
32 is made constitute a likelihood of serious harm, or that he or she is
33 gravely disabled, and stating the specific facts known to him or her
34 as a result of his or her personal observation or investigation, upon
35 which he or she bases the belief that such person should be detained
36 for the purposes and under the authority of this chapter.

37 (2)(a) If a person is involuntarily placed in an evaluation and
38 treatment facility, secure withdrawal management and stabilization
39 facility, or approved substance use disorder treatment program

1 pursuant to RCW 71.05.150 or 71.05.153, on the next judicial day
2 following the initial detention, the designated crisis responder
3 shall file with the court and serve the designated attorney of the
4 detained person the petition or supplemental petition for initial
5 detention, proof of service of notice, and a copy of a notice of
6 emergency detention.

7 (b) If the person is involuntarily detained at an evaluation and
8 treatment facility, secure withdrawal management and stabilization
9 facility, or approved substance use disorder treatment program in a
10 different county from where the person was initially detained, the
11 facility or program may file with the court and serve the designated
12 attorney of the detained person the petition or supplemental petition
13 for initial detention, proof of service of notice, and a copy of a
14 notice of emergency detention at the request of the designated crisis
15 responder.

16 **Sec. 18.** RCW 71.05.170 and 2016 sp.s. c 29 s 218 are each
17 amended to read as follows:

18 Whenever the designated crisis responder petitions for detention
19 of a person whose actions constitute a likelihood of serious harm, or
20 who is gravely disabled, the facility providing (~~(seventy-two)~~) one
21 hundred twenty hour evaluation and treatment must immediately accept
22 on a provisional basis the petition and the person. The facility
23 shall then evaluate the person's condition and admit, detain,
24 transfer, or discharge such person in accordance with RCW 71.05.210.
25 The facility shall notify in writing the court and the designated
26 crisis responder of the date and time of the initial detention of
27 each person involuntarily detained in order that a probable cause
28 hearing shall be held no later than (~~(seventy-two)~~) one hundred
29 twenty hours after detention.

30 The duty of a state hospital to accept persons for evaluation and
31 treatment under this section shall be limited by chapter 71.24 RCW.

32 **Sec. 19.** RCW 71.05.180 and 2019 c 446 s 18 are each amended to
33 read as follows:

34 If the evaluation and treatment facility, secure withdrawal
35 management and stabilization facility, or approved substance use
36 disorder treatment program admits the person, it may detain him or
37 her for evaluation and treatment for a period not to exceed
38 (~~(seventy-two)~~) one hundred twenty hours from the time of acceptance

1 as set forth in RCW 71.05.170. The computation of such (~~seventy-~~
2 ~~two~~) one hundred twenty hour period shall exclude Saturdays, Sundays
3 and holidays.

4 **Sec. 20.** RCW 71.05.182 and 2019 c 247 s 1 are each amended to
5 read as follows:

6 (1) A person who under RCW 71.05.150 or 71.05.153 has been
7 detained at a facility for (~~seventy-two-hour~~) a period of not more
8 than one hundred twenty hours for the purpose of evaluation and
9 treatment on the grounds that the person presents a likelihood of
10 serious harm, but who has not been subsequently committed for
11 involuntary treatment under RCW 71.05.240, may not have in his or her
12 possession or control any firearm for a period of six months after
13 the date that the person is detained.

14 (2) Before the discharge of a person who has been initially
15 detained under RCW 71.05.150 or 71.05.153 on the grounds that the
16 person presents a likelihood of serious harm, but has not been
17 subsequently committed for involuntary treatment under RCW 71.05.240,
18 the designated crisis responder shall inform the person orally and in
19 writing that:

20 (a) He or she is prohibited from possessing or controlling any
21 firearm for a period of six months;

22 (b) He or she must immediately surrender, for the six-month
23 period, any concealed pistol license and any firearms that the person
24 possesses or controls to the sheriff of the county or the chief of
25 police of the municipality in which the person is domiciled;

26 (c) After the six-month suspension, the person's right to control
27 or possess any firearm or concealed pistol license shall be
28 automatically restored, absent further restrictions imposed by other
29 law; and

30 (d) Upon discharge, the person may petition the superior court to
31 have his or her right to possess a firearm restored before the six-
32 month suspension period has elapsed by following the procedures
33 provided in RCW 9.41.047(3).

34 (3) (~~(a)~~) The designated crisis responder shall notify the
35 sheriff of the county or the chief of police of the municipality in
36 which the person is domiciled of the six-month suspension.

37 (4) A law enforcement agency holding any firearm that has been
38 surrendered pursuant to this section shall, upon the request of the
39 person from whom it was obtained, return the firearm at the

1 expiration of the six-month suspension period, or prior to the
2 expiration of the six-month period if the person's right to possess
3 firearms has been restored by the court under RCW 9.41.047. The law
4 enforcement agency, prior to returning the firearm, shall verify with
5 the prosecuting attorney's office or designated crisis responders
6 that the person has not been previously or subsequently committed for
7 involuntary treatment under RCW 71.05.240. The law enforcement agency
8 must comply with the provisions of RCW 9.41.345 when returning a
9 firearm pursuant to this section.

10 ((~~(b)~~)) (5) Any firearm surrendered pursuant to this section that
11 remains unclaimed by the lawful owner shall be disposed of in
12 accordance with the law enforcement agency's policies and procedures
13 for the disposal of firearms in police custody.

14 **Sec. 21.** RCW 71.05.190 and 2019 c 446 s 17 are each amended to
15 read as follows:

16 If the person is not approved for admission by a facility
17 providing ((~~seventy-two~~)) one hundred twenty hour evaluation and
18 treatment, and the individual has not been arrested, the facility
19 shall furnish transportation, if not otherwise available, for the
20 person to his or her place of residence or other appropriate place.
21 If the individual has been arrested, the evaluation and treatment
22 facility, secure withdrawal management and stabilization facility, or
23 approved substance use disorder treatment program shall detain the
24 individual for not more than eight hours at the request of the peace
25 officer. The facility shall make reasonable attempts to contact the
26 requesting peace officer during this time to inform the peace officer
27 that the person is not approved for admission in order to enable a
28 peace officer to return to the facility and take the individual back
29 into custody.

30 **Sec. 22.** RCW 71.05.195 and 2016 sp.s. c 29 s 221 are each
31 amended to read as follows:

32 (1) A civil commitment may be initiated under the procedures
33 described in RCW 71.05.150 or 71.05.153 for a person who has been
34 found not guilty by reason of insanity in a state other than
35 Washington and who has fled from detention, commitment, or
36 conditional release in that state, on the basis of a request by the
37 state in which the person was found not guilty by reason of insanity
38 for the person to be detained and transferred back to the custody or

1 care of the requesting state. A finding of likelihood of serious harm
2 or grave disability is not required for a commitment under this
3 section. The detention may occur at either an evaluation and
4 treatment facility or a state hospital. The petition for (~~seventy-~~
5 ~~two~~) one hundred twenty hour detention filed by the designated
6 crisis responder must be accompanied by the following documents:

7 (a) A copy of an order for detention, commitment, or conditional
8 release of the person in a state other than Washington on the basis
9 of a judgment of not guilty by reason of insanity;

10 (b) A warrant issued by a magistrate in the state in which the
11 person was found not guilty by reason of insanity indicating that the
12 person has fled from detention, commitment, or conditional release in
13 that state and authorizing the detention of the person within the
14 state in which the person was found not guilty by reason of insanity;

15 (c) A statement from the executive authority of the state in
16 which the person was found not guilty by reason of insanity
17 requesting that the person be returned to the requesting state and
18 agreeing to facilitate the transfer of the person to the requesting
19 state.

20 (2) The person shall be entitled to a probable cause hearing
21 within the time limits applicable to other detentions under this
22 chapter and shall be afforded the rights described in this chapter
23 including the right to counsel. At the probable cause hearing, the
24 court shall determine the identity of the person and whether the
25 other requirements of this section are met. If the court so finds,
26 the court may order continued detention in a treatment facility for
27 up to thirty days for the purpose of the transfer of the person to
28 the custody or care of the requesting state. The court may order a
29 less restrictive alternative to detention only under conditions which
30 ensure the person's safe transfer to the custody or care of the
31 requesting state within thirty days without undue risk to the safety
32 of the person or others.

33 (3) For the purposes of this section, "not guilty by reason of
34 insanity" shall be construed to include any provision of law which is
35 generally equivalent to a finding of criminal insanity within the
36 state of Washington; and "state" shall be construed to mean any
37 state, district, or territory of the United States.

38 **Sec. 23.** RCW 71.05.201 and 2018 c 291 s 11 are each amended to
39 read as follows:

1 (1) If a designated crisis responder decides not to detain a
2 person for evaluation and treatment under RCW 71.05.150 or 71.05.153
3 or forty-eight hours have elapsed since a designated crisis responder
4 received a request for investigation and the designated crisis
5 responder has not taken action to have the person detained, an
6 immediate family member or guardian or conservator of the person may
7 petition the superior court for the person's initial detention.

8 (2) A petition under this section must be filed within ten
9 calendar days following the designated crisis responder investigation
10 or the request for a designated crisis responder investigation. If
11 more than ten days have elapsed, the immediate family member,
12 guardian, or conservator may request a new designated crisis
13 responder investigation.

14 (3)(a) The petition must be filed in the county in which the
15 designated crisis responder investigation occurred or was requested
16 to occur and must be submitted on forms developed by the
17 administrative office of the courts for this purpose. The petition
18 must be accompanied by a sworn declaration from the petitioner, and
19 other witnesses if desired, describing why the person should be
20 detained for evaluation and treatment. The description of why the
21 person should be detained may contain, but is not limited to, the
22 information identified in RCW 71.05.212.

23 (b) The petition must contain:

24 (i) A description of the relationship between the petitioner and
25 the person; and

26 (ii) The date on which an investigation was requested from the
27 designated crisis responder.

28 (4) The court shall, within one judicial day, review the petition
29 to determine whether the petition raises sufficient evidence to
30 support the allegation. If the court so finds, it shall provide a
31 copy of the petition to the designated crisis responder agency with
32 an order for the agency to provide the court, within one judicial
33 day, with a written sworn statement describing the basis for the
34 decision not to seek initial detention and a copy of all information
35 material to the designated crisis responder's current decision.

36 (5) Following the filing of the petition and before the court
37 reaches a decision, any person, including a mental health
38 professional, may submit a sworn declaration to the court in support
39 of or in opposition to initial detention.

1 (6) The court shall dismiss the petition at any time if it finds
2 that a designated crisis responder has filed a petition for the
3 person's initial detention under RCW 71.05.150 or 71.05.153 or that
4 the person has voluntarily accepted appropriate treatment.

5 (7) The court must issue a final ruling on the petition within
6 five judicial days after it is filed. After reviewing all of the
7 information provided to the court, the court may enter an order for
8 initial detention or an order instructing the designated crisis
9 responder to file a petition for assisted outpatient behavioral
10 health treatment if the court finds that: (a) There is probable cause
11 to support a petition for detention or assisted outpatient behavioral
12 health treatment; and (b) the person has refused or failed to accept
13 appropriate evaluation and treatment voluntarily. The court shall
14 transmit its final decision to the petitioner.

15 (8) If the court enters an order for initial detention, it shall
16 provide the order to the designated crisis responder agency and issue
17 a written order for apprehension (~~(of the person by a peace officer~~
18 ~~for delivery of the person to a facility or emergency room determined~~
19 ~~by the designated crisis responder)). The designated crisis responder~~
20 agency serving the jurisdiction of the court must collaborate and
21 coordinate with law enforcement regarding apprehensions and
22 detentions under this subsection, including sharing of information
23 relating to risk and which would assist in locating the person. A
24 person may not be detained to jail pursuant to a written order issued
25 under this subsection. An order for detention under this section
26 should contain the advisement of rights which the person would
27 receive if the person were detained by a designated crisis responder.
28 An order for initial detention under this section expires one hundred
29 eighty days from issuance.

30 (9) Except as otherwise expressly stated in this chapter, all
31 procedures must be followed as if the order had been entered under
32 RCW 71.05.150. RCW 71.05.160 does not apply if detention was
33 initiated under the process set forth in this section.

34 (10) For purposes of this section, "immediate family member"
35 means a spouse, domestic partner, child, stepchild, parent,
36 stepparent, grandparent, or sibling.

37 **Sec. 24.** RCW 71.05.210 and 2019 c 446 s 8 are each amended to
38 read as follows:

1 (1) Each person involuntarily detained and accepted or admitted
2 at an evaluation and treatment facility, secure withdrawal management
3 and stabilization facility, or approved substance use disorder
4 treatment program:

5 (a) Shall, within twenty-four hours of his or her admission or
6 acceptance at the facility, not counting time periods prior to
7 medical clearance, be examined and evaluated by:

8 (i) One physician, physician assistant, or advanced registered
9 nurse practitioner; and

10 (ii) One mental health professional. If the person is detained
11 for substance use disorder evaluation and treatment, the person may
12 be examined by a ((~~chemical dependency~~)) substance use disorder
13 professional instead of a mental health professional; and

14 (b) Shall receive such treatment and care as his or her condition
15 requires including treatment on an outpatient basis for the period
16 that he or she is detained, except that, beginning twenty-four hours
17 prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240,
18 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may
19 refuse psychiatric medications, but may not refuse: (i) Any other
20 medication previously prescribed by a person licensed under Title 18
21 RCW; or (ii) emergency lifesaving treatment, and the individual shall
22 be informed at an appropriate time of his or her right of such
23 refusal. The person shall be detained up to seventy-two hours, if, in
24 the opinion of the professional person in charge of the facility, or
25 his or her professional designee, the person presents a likelihood of
26 serious harm, or is gravely disabled. A person who has been detained
27 for seventy-two hours shall no later than the end of such period be
28 released, unless referred for further care on a voluntary basis, or
29 detained pursuant to court order for further treatment as provided in
30 this chapter.

31 (2) If, after examination and evaluation, the mental health
32 professional or ((~~chemical dependency~~)) substance use disorder
33 professional and licensed physician, physician assistant, or
34 psychiatric advanced registered nurse practitioner determine that the
35 initial needs of the person, if detained to an evaluation and
36 treatment facility, would be better served by placement in a
37 substance use disorder treatment program, or, if detained to a secure
38 withdrawal management and stabilization facility or approved
39 substance use disorder treatment program, would be better served in
40 an evaluation and treatment facility then the person shall be

1 referred to the more appropriate placement; however, a person may
2 only be referred to a secure withdrawal management and stabilization
3 facility or approved substance use disorder treatment program if
4 there is an available secure withdrawal management and stabilization
5 facility or approved substance use disorder treatment program with
6 adequate space for the person.

7 (3) An evaluation and treatment center, secure withdrawal
8 management and stabilization facility, or approved substance use
9 disorder treatment program admitting or accepting any person pursuant
10 to this chapter whose physical condition reveals the need for
11 hospitalization shall assure that such person is transferred to an
12 appropriate hospital for evaluation or admission for treatment.
13 Notice of such fact shall be given to the court, the designated
14 attorney, and the designated crisis responder and the court shall
15 order such continuance in proceedings under this chapter as may be
16 necessary, but in no event may this continuance be more than fourteen
17 days.

18 **Sec. 25.** RCW 71.05.210 and 2019 c 446 s 8 are each amended to
19 read as follows:

20 (1) Each person involuntarily detained and accepted or admitted
21 at an evaluation and treatment facility, secure withdrawal management
22 and stabilization facility, or approved substance use disorder
23 treatment program:

24 (a) Shall, within twenty-four hours of his or her admission or
25 acceptance at the facility, not counting time periods prior to
26 medical clearance, be examined and evaluated by:

27 (i) One physician, physician assistant, or advanced registered
28 nurse practitioner; and

29 (ii) One mental health professional. If the person is detained
30 for substance use disorder evaluation and treatment, the person may
31 be examined by a (~~chemical dependency~~) substance use disorder
32 professional instead of a mental health professional; and

33 (b) Shall receive such treatment and care as his or her condition
34 requires including treatment on an outpatient basis for the period
35 that he or she is detained, except that, beginning twenty-four hours
36 prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240,
37 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may
38 refuse psychiatric medications, but may not refuse: (i) Any other
39 medication previously prescribed by a person licensed under Title 18

1 RCW; or (ii) emergency lifesaving treatment, and the individual shall
2 be informed at an appropriate time of his or her right of such
3 refusal. The person shall be detained up to (~~seventy-two~~) one
4 hundred twenty hours, if, in the opinion of the professional person
5 in charge of the facility, or his or her professional designee, the
6 person presents a likelihood of serious harm, or is gravely disabled.
7 A person who has been detained for (~~seventy-two~~) one hundred twenty
8 hours shall no later than the end of such period be released, unless
9 referred for further care on a voluntary basis, or detained pursuant
10 to court order for further treatment as provided in this chapter.

11 (2) If, after examination and evaluation, the mental health
12 professional or (~~chemical dependency~~) substance use disorder
13 professional and licensed physician, physician assistant, or
14 psychiatric advanced registered nurse practitioner determine that the
15 initial needs of the person, if detained to an evaluation and
16 treatment facility, would be better served by placement in a
17 substance use disorder treatment program, or, if detained to a secure
18 withdrawal management and stabilization facility or approved
19 substance use disorder treatment program, would be better served in
20 an evaluation and treatment facility then the person shall be
21 referred to the more appropriate placement; however, a person may
22 only be referred to a secure withdrawal management and stabilization
23 facility or approved substance use disorder treatment program if
24 there is an available secure withdrawal management and stabilization
25 facility or approved substance use disorder treatment program with
26 adequate space for the person.

27 (3) An evaluation and treatment center, secure withdrawal
28 management and stabilization facility, or approved substance use
29 disorder treatment program admitting or accepting any person pursuant
30 to this chapter whose physical condition reveals the need for
31 hospitalization shall assure that such person is transferred to an
32 appropriate hospital for evaluation or admission for treatment.
33 Notice of such fact shall be given to the court, the designated
34 attorney, and the designated crisis responder and the court shall
35 order such continuance in proceedings under this chapter as may be
36 necessary, but in no event may this continuance be more than fourteen
37 days.

38 **Sec. 26.** RCW 71.05.210 and 2019 c 446 s 9 are each amended to
39 read as follows:

1 (1) Each person involuntarily detained and accepted or admitted
2 at an evaluation and treatment facility, secure withdrawal management
3 and stabilization facility, or approved substance use disorder
4 treatment program:

5 (a) Shall, within twenty-four hours of his or her admission or
6 acceptance at the facility, not counting time periods prior to
7 medical clearance, be examined and evaluated by:

8 (i) One physician, physician assistant, or advanced registered
9 nurse practitioner; and

10 (ii) One mental health professional. If the person is detained
11 for substance use disorder evaluation and treatment, the person may
12 be examined by a (~~chemical dependency~~) substance use disorder
13 professional instead of a mental health professional; and

14 (b) Shall receive such treatment and care as his or her condition
15 requires including treatment on an outpatient basis for the period
16 that he or she is detained, except that, beginning twenty-four hours
17 prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240,
18 71.05.310, 71.05.320, 71.05.590, or 71.05.217, the individual may
19 refuse psychiatric medications, but may not refuse: (i) Any other
20 medication previously prescribed by a person licensed under Title 18
21 RCW; or (ii) emergency lifesaving treatment, and the individual shall
22 be informed at an appropriate time of his or her right of such
23 refusal. The person shall be detained up to (~~seventy-two~~) one
24 hundred twenty hours, if, in the opinion of the professional person
25 in charge of the facility, or his or her professional designee, the
26 person presents a likelihood of serious harm, or is gravely disabled.
27 A person who has been detained for (~~seventy-two~~) one hundred twenty
28 hours shall no later than the end of such period be released, unless
29 referred for further care on a voluntary basis, or detained pursuant
30 to court order for further treatment as provided in this chapter.

31 (2) If, after examination and evaluation, the mental health
32 professional or (~~chemical dependency~~) substance use disorder
33 professional and licensed physician, physician assistant, or
34 psychiatric advanced registered nurse practitioner determine that the
35 initial needs of the person, if detained to an evaluation and
36 treatment facility, would be better served by placement in a
37 substance use disorder treatment program, or, if detained to a secure
38 withdrawal management and stabilization facility or approved
39 substance use disorder treatment program, would be better served in

1 an evaluation and treatment facility then the person shall be
2 referred to the more appropriate placement.

3 (3) An evaluation and treatment center, secure withdrawal
4 management and stabilization facility, or approved substance use
5 disorder treatment program admitting or accepting any person pursuant
6 to this chapter whose physical condition reveals the need for
7 hospitalization shall assure that such person is transferred to an
8 appropriate hospital for evaluation or admission for treatment.
9 Notice of such fact shall be given to the court, the designated
10 attorney, and the designated crisis responder and the court shall
11 order such continuance in proceedings under this chapter as may be
12 necessary, but in no event may this continuance be more than fourteen
13 days.

14 **Sec. 27.** RCW 71.05.212 and 2018 c 291 s 13 are each amended to
15 read as follows:

16 (1) Whenever a designated crisis responder or professional person
17 is conducting an evaluation under this chapter, consideration shall
18 include all reasonably available information from credible witnesses
19 and records regarding:

20 (a) Prior recommendations for evaluation of the need for civil
21 commitments when the recommendation is made pursuant to an evaluation
22 conducted under chapter 10.77 RCW;

23 (b) Historical behavior, including history of one or more violent
24 acts;

25 (c) Prior determinations of incompetency or insanity under
26 chapter 10.77 RCW; and

27 (d) Prior commitments under this chapter.

28 (2) Credible witnesses may include family members, landlords,
29 neighbors, or others with significant contact and history of
30 involvement with the person. If the designated crisis responder
31 relies upon information from a credible witness in reaching his or
32 her decision to detain the individual, then he or she must provide
33 contact information for any such witness to the prosecutor. The
34 designated crisis responder or prosecutor shall provide notice of the
35 date, time, and location of the probable cause hearing to such a
36 witness.

37 (3) Symptoms and behavior of the respondent which standing alone
38 would not justify civil commitment may support a finding of grave
39 disability or likelihood of serious harm, or a finding that the

1 person is in need of assisted outpatient behavioral health treatment,
2 when:

3 (a) Such symptoms or behavior are closely associated with
4 symptoms or behavior which preceded and led to a past incident of
5 involuntary hospitalization, severe deterioration from safe behavior,
6 or one or more violent acts;

7 (b) These symptoms or behavior represent a marked and concerning
8 change in the baseline behavior of the respondent; and

9 (c) Without treatment, the continued deterioration of the
10 respondent is probable.

11 (4) When conducting an evaluation for offenders identified under
12 RCW 72.09.370, the designated crisis responder or professional person
13 shall consider an offender's history of judicially required or
14 administratively ordered antipsychotic medication while in
15 confinement.

16 **Sec. 28.** RCW 71.05.214 and 2018 c 201 s 3007 are each amended to
17 read as follows:

18 The authority shall develop statewide protocols to be utilized by
19 professional persons and designated crisis responders in
20 administration of this chapter and chapters 10.77 and 71.34 RCW. The
21 protocols shall be updated at least every three years. The protocols
22 shall provide uniform development and application of criteria in
23 evaluation and commitment recommendations, of persons who have, or
24 are alleged to have, (~~mental disorders or substance use~~) behavioral
25 health disorders and are subject to this chapter.

26 The initial protocols shall be developed not later than September
27 1, 1999. The authority shall develop and update the protocols in
28 consultation with representatives of designated crisis responders,
29 the department of social and health services, local government, law
30 enforcement, county and city prosecutors, public defenders, and
31 groups concerned with (~~mental illness and substance use~~) behavioral
32 health disorders. The protocols shall be submitted to the governor
33 and legislature upon adoption by the authority.

34 **Sec. 29.** RCW 71.05.215 and 2018 c 201 s 3008 are each amended to
35 read as follows:

36 (1) A person found to be gravely disabled or (~~presents~~) to
37 present a likelihood of serious harm as a result of a (~~mental~~
38 ~~disorder or substance use~~) behavioral health disorder has a right to

1 refuse antipsychotic medication unless it is determined that the
2 failure to medicate may result in a likelihood of serious harm or
3 substantial deterioration or substantially prolong the length of
4 involuntary commitment and there is no less intrusive course of
5 treatment than medication in the best interest of that person.

6 (2) The authority shall adopt rules to carry out the purposes of
7 this chapter. These rules shall include:

8 (a) An attempt to obtain the informed consent of the person prior
9 to administration of antipsychotic medication.

10 (b) For short-term treatment up to thirty days, the right to
11 refuse antipsychotic medications unless there is an additional
12 concurring medical opinion approving medication by a psychiatrist,
13 physician assistant working with a supervising psychiatrist,
14 psychiatric advanced registered nurse practitioner, or physician or
15 physician assistant in consultation with a mental health professional
16 with prescriptive authority.

17 (c) For continued treatment beyond thirty days through the
18 hearing on any petition filed under RCW 71.05.217, the right to
19 periodic review of the decision to medicate by the medical director
20 or designee.

21 (d) Administration of antipsychotic medication in an emergency
22 and review of this decision within twenty-four hours. An emergency
23 exists if the person presents an imminent likelihood of serious harm,
24 and medically acceptable alternatives to administration of
25 antipsychotic medications are not available or are unlikely to be
26 successful; and in the opinion of the physician, physician assistant,
27 or psychiatric advanced registered nurse practitioner, the person's
28 condition constitutes an emergency requiring the treatment be
29 instituted prior to obtaining a second medical opinion.

30 (e) Documentation in the medical record of the attempt by the
31 physician, physician assistant, or psychiatric advanced registered
32 nurse practitioner to obtain informed consent and the reasons why
33 antipsychotic medication is being administered over the person's
34 objection or lack of consent.

35 **Sec. 30.** RCW 71.05.217 and 2016 c 155 s 4 are each amended to
36 read as follows:

37 (1) Insofar as danger to the individual or others is not created,
38 each person involuntarily detained, treated in a less restrictive
39 alternative course of treatment, or committed for treatment and

1 evaluation pursuant to this chapter shall have, in addition to other
2 rights not specifically withheld by law, the following rights, a list
3 of which shall be prominently posted in all facilities, institutions,
4 and hospitals providing such services:

5 ~~((1))~~ (a) To wear his or her own clothes and to keep and use
6 his or her own personal possessions, except when deprivation of same
7 is essential to protect the safety of the resident or other persons;

8 ~~((2))~~ (b) To keep and be allowed to spend a reasonable sum of
9 his or her own money for canteen expenses and small purchases;

10 ~~((3))~~ (c) To have access to individual storage space for his or
11 her private use;

12 ~~((4))~~ (d) To have visitors at reasonable times;

13 ~~((5))~~ (e) To have reasonable access to a telephone, both to
14 make and receive confidential calls;

15 ~~((6))~~ (f) To have ready access to letter writing materials,
16 including stamps, and to send and receive uncensored correspondence
17 through the mails;

18 ~~((7))~~ (g) To have the right to individualized care and adequate
19 treatment;

20 (h) To discuss treatment plans and decisions with professional
21 persons;

22 (i) To not be denied access to treatment by spiritual means
23 through prayer in accordance with the tenets and practices of a
24 church or religious denomination in addition to the treatment
25 otherwise proposed;

26 (j) Not to consent to the administration of antipsychotic
27 medications beyond the hearing conducted pursuant to RCW 71.05.320(4)
28 or the performance of electroconvulsant therapy or surgery, except
29 emergency lifesaving surgery, unless ordered by a court of competent
30 jurisdiction pursuant to the following standards and procedures:

31 ~~((a))~~ (i) The administration of antipsychotic medication or
32 electroconvulsant therapy shall not be ordered unless the petitioning
33 party proves by clear, cogent, and convincing evidence that there
34 exists a compelling state interest that justifies overriding the
35 patient's lack of consent to the administration of antipsychotic
36 medications or electroconvulsant therapy, that the proposed treatment
37 is necessary and effective, and that medically acceptable alternative
38 forms of treatment are not available, have not been successful, or
39 are not likely to be effective.

1 ~~((b))~~ (ii) The court shall make specific findings of fact
2 concerning: ~~((i))~~ (A) The existence of one or more compelling state
3 interests; ~~((ii))~~ (B) the necessity and effectiveness of the
4 treatment; and ~~((iii))~~ (C) the person's desires regarding the
5 proposed treatment. If the patient is unable to make a rational and
6 informed decision about consenting to or refusing the proposed
7 treatment, the court shall make a substituted judgment for the
8 patient as if he or she were competent to make such a determination.

9 ~~((e))~~ (iii) The person shall be present at any hearing on a
10 request to administer antipsychotic medication or electroconvulsant
11 therapy filed pursuant to this subsection. The person has the right:
12 ~~((i))~~ (A) To be represented by an attorney; ~~((ii))~~ (B) to present
13 evidence; ~~((iii))~~ (C) to cross-examine witnesses; ~~((iv))~~ (D) to
14 have the rules of evidence enforced; ~~((v))~~ (E) to remain silent;
15 ~~((vi))~~ (F) to view and copy all petitions and reports in the court
16 file; and ~~((vii))~~ (G) to be given reasonable notice and an
17 opportunity to prepare for the hearing. The court may appoint a
18 psychiatrist, physician assistant working with a supervising
19 psychiatrist, psychiatric advanced registered nurse practitioner,
20 psychologist within their scope of practice, physician assistant, or
21 physician to examine and testify on behalf of such person. The court
22 shall appoint a psychiatrist, physician assistant working with a
23 supervising psychiatrist, psychiatric advanced registered nurse
24 practitioner, psychologist within their scope of practice, physician
25 assistant, or physician designated by such person or the person's
26 counsel to testify on behalf of the person in cases where an order
27 for electroconvulsant therapy is sought.

28 ~~((d))~~ (iv) An order for the administration of antipsychotic
29 medications entered following a hearing conducted pursuant to this
30 section shall be effective for the period of the current involuntary
31 treatment order, and any interim period during which the person is
32 awaiting trial or hearing on a new petition for involuntary treatment
33 or involuntary medication.

34 ~~((e))~~ (v) Any person detained pursuant to RCW 71.05.320(4), who
35 subsequently refuses antipsychotic medication, shall be entitled to
36 the procedures set forth in this subsection.

37 ~~((f))~~ (vi) Antipsychotic medication may be administered to a
38 nonconsenting person detained or committed pursuant to this chapter
39 without a court order pursuant to RCW 71.05.215(2) or under the
40 following circumstances:

1 ~~((i))~~ (A) A person presents an imminent likelihood of serious
2 harm;

3 ~~((ii))~~ (B) Medically acceptable alternatives to administration
4 of antipsychotic medications are not available, have not been
5 successful, or are not likely to be effective; and

6 ~~((iii))~~ (C) In the opinion of the physician, physician
7 assistant, or psychiatric advanced registered nurse practitioner with
8 responsibility for treatment of the person, or his or her designee,
9 the person's condition constitutes an emergency requiring the
10 treatment be instituted before a judicial hearing as authorized
11 pursuant to this section can be held.

12 If antipsychotic medications are administered over a person's
13 lack of consent pursuant to this subsection, a petition for an order
14 authorizing the administration of antipsychotic medications shall be
15 filed on the next judicial day. The hearing shall be held within two
16 judicial days. If deemed necessary by the physician, physician
17 assistant, or psychiatric advanced registered nurse practitioner with
18 responsibility for the treatment of the person, administration of
19 antipsychotic medications may continue until the hearing is held;

20 ~~((8))~~ (k) To dispose of property and sign contracts unless such
21 person has been adjudicated an incompetent in a court proceeding
22 directed to that particular issue;

23 ~~((9))~~ (l) Not to have psychosurgery performed on him or her
24 under any circumstances.

25 (2) Every person involuntarily detained or committed under the
26 provisions of this chapter is entitled to all the rights set forth in
27 this chapter and retains all rights not denied him or her under this
28 chapter except as limited by chapter 9.41 RCW.

29 (3) No person may be presumed incompetent as a consequence of
30 receiving evaluation or treatment for a behavioral health disorder.
31 Competency may not be determined or withdrawn except under the
32 provisions of chapter 10.77 or 11.88 RCW.

33 (4) Subject to RCW 71.05.745 and related regulations, persons
34 receiving evaluation or treatment under this chapter must be given a
35 reasonable choice of an available physician, physician assistant,
36 psychiatric advanced registered nurse practitioner, or other
37 professional person qualified to provide such services.

38 (5) Whenever any person is detained under this chapter, the
39 person must be advised that unless the person is released or
40 voluntarily admits himself or herself for treatment within seventy-

1 two hours of the initial detention, a judicial hearing must be held
2 in a superior court within seventy-two hours to determine whether
3 there is probable cause to detain the person for up to an additional
4 fourteen days based on an allegation that because of a behavioral
5 health disorder the person presents a likelihood of serious harm or
6 is gravely disabled, and that at the probable cause hearing the
7 person has the following rights:

8 (a) To communicate immediately with an attorney; to have an
9 attorney appointed if the person is indigent; and to be told the name
10 and address of the attorney that has been designated;

11 (b) To remain silent, and to know that any statement the person
12 makes may be used against him or her;

13 (c) To present evidence on the person's behalf;

14 (d) To cross-examine witnesses who testify against him or her;

15 (e) To be proceeded against by the rules of evidence;

16 (f) To have the court appoint a reasonably available independent
17 professional person to examine the person and testify in the hearing,
18 at public expense unless the person is able to bear the cost;

19 (g) To view and copy all petitions and reports in the court file;
20 and

21 (h) To refuse psychiatric medications, including antipsychotic
22 medication beginning twenty-four hours prior to the probable cause
23 hearing.

24 (6) The judicial hearing described in subsection (5) of this
25 section must be held according to the provisions of subsection (5) of
26 this section and rules promulgated by the supreme court.

27 (7)(a) Privileges between patients and physicians, physician
28 assistants, psychologists, or psychiatric advanced registered nurse
29 practitioners are deemed waived in proceedings under this chapter
30 relating to the administration of antipsychotic medications. As to
31 other proceedings under this chapter, the privileges are waived when
32 a court of competent jurisdiction in its discretion determines that
33 such waiver is necessary to protect either the detained person or the
34 public.

35 (b) The waiver of a privilege under this section is limited to
36 records or testimony relevant to evaluation of the detained person
37 for purposes of a proceeding under this chapter. Upon motion by the
38 detained person or on its own motion, the court shall examine a
39 record or testimony sought by a petitioner to determine whether it is
40 within the scope of the waiver.

1 (c) The record maker may not be required to testify in order to
2 introduce medical or psychological records of the detained person so
3 long as the requirements of RCW 5.45.020 are met except that portions
4 of the record which contain opinions as to the detained person's
5 mental state must be deleted from such records unless the person
6 making such conclusions is available for cross-examination.

7 (8) Nothing contained in this chapter prohibits the patient from
8 petitioning by writ of habeas corpus for release.

9 (9) Nothing in this section permits any person to knowingly
10 violate a no-contact order or a condition of an active judgment and
11 sentence or an active condition of supervision by the department of
12 corrections.

13 (10) The rights set forth under this section apply equally to
14 ninety-day or one hundred eighty-day hearings under RCW 71.05.310.

15 **Sec. 31.** RCW 71.05.217 and 2016 c 155 s 4 are each amended to
16 read as follows:

17 (1) Insofar as danger to the individual or others is not created,
18 each person involuntarily detained, treated in a less restrictive
19 alternative course of treatment, or committed for treatment and
20 evaluation pursuant to this chapter shall have, in addition to other
21 rights not specifically withheld by law, the following rights, a list
22 of which shall be prominently posted in all facilities, institutions,
23 and hospitals providing such services:

24 ~~((1))~~ (a) To wear his or her own clothes and to keep and use
25 his or her own personal possessions, except when deprivation of same
26 is essential to protect the safety of the resident or other persons;

27 ~~((2))~~ (b) To keep and be allowed to spend a reasonable sum of
28 his or her own money for canteen expenses and small purchases;

29 ~~((3))~~ (c) To have access to individual storage space for his or
30 her private use;

31 ~~((4))~~ (d) To have visitors at reasonable times;

32 ~~((5))~~ (e) To have reasonable access to a telephone, both to
33 make and receive confidential calls;

34 ~~((6))~~ (f) To have ready access to letter writing materials,
35 including stamps, and to send and receive uncensored correspondence
36 through the mails;

37 ~~((7))~~ (g) To have the right to individualized care and adequate
38 treatment;

1 (h) To discuss treatment plans and decisions with professional
2 persons;

3 (i) To not be denied access to treatment by spiritual means
4 through prayer in accordance with the tenets and practices of a
5 church or religious denomination in addition to the treatment
6 otherwise proposed;

7 (j) Not to consent to the administration of antipsychotic
8 medications beyond the hearing conducted pursuant to RCW 71.05.320(4)
9 or the performance of electroconvulsant therapy or surgery, except
10 emergency lifesaving surgery, unless ordered by a court of competent
11 jurisdiction pursuant to the following standards and procedures:

12 ~~((a))~~ (i) The administration of antipsychotic medication or
13 electroconvulsant therapy shall not be ordered unless the petitioning
14 party proves by clear, cogent, and convincing evidence that there
15 exists a compelling state interest that justifies overriding the
16 patient's lack of consent to the administration of antipsychotic
17 medications or electroconvulsant therapy, that the proposed treatment
18 is necessary and effective, and that medically acceptable alternative
19 forms of treatment are not available, have not been successful, or
20 are not likely to be effective.

21 ~~((b))~~ (ii) The court shall make specific findings of fact
22 concerning: ~~((i))~~ (A) The existence of one or more compelling state
23 interests; ~~((ii))~~ (B) the necessity and effectiveness of the
24 treatment; and ~~((iii))~~ (C) the person's desires regarding the
25 proposed treatment. If the patient is unable to make a rational and
26 informed decision about consenting to or refusing the proposed
27 treatment, the court shall make a substituted judgment for the
28 patient as if he or she were competent to make such a determination.

29 ~~((c))~~ (iii) The person shall be present at any hearing on a
30 request to administer antipsychotic medication or electroconvulsant
31 therapy filed pursuant to this subsection. The person has the right:
32 ~~((i))~~ (A) To be represented by an attorney; ~~((ii))~~ (B) to present
33 evidence; ~~((iii))~~ (C) to cross-examine witnesses; ~~((iv))~~ (D) to
34 have the rules of evidence enforced; ~~((v))~~ (E) to remain silent;
35 ~~((vi))~~ (F) to view and copy all petitions and reports in the court
36 file; and ~~((vii))~~ (G) to be given reasonable notice and an
37 opportunity to prepare for the hearing. The court may appoint a
38 psychiatrist, physician assistant working with a supervising
39 psychiatrist, psychiatric advanced registered nurse practitioner,
40 psychologist within their scope of practice, physician assistant, or

1 physician to examine and testify on behalf of such person. The court
2 shall appoint a psychiatrist, physician assistant working with a
3 supervising psychiatrist, psychiatric advanced registered nurse
4 practitioner, psychologist within their scope of practice, physician
5 assistant, or physician designated by such person or the person's
6 counsel to testify on behalf of the person in cases where an order
7 for electroconvulsant therapy is sought.

8 ~~((d))~~ (iv) An order for the administration of antipsychotic
9 medications entered following a hearing conducted pursuant to this
10 section shall be effective for the period of the current involuntary
11 treatment order, and any interim period during which the person is
12 awaiting trial or hearing on a new petition for involuntary treatment
13 or involuntary medication.

14 ~~((e))~~ (v) Any person detained pursuant to RCW 71.05.320(4), who
15 subsequently refuses antipsychotic medication, shall be entitled to
16 the procedures set forth in this subsection.

17 ~~((f))~~ (vi) Antipsychotic medication may be administered to a
18 nonconsenting person detained or committed pursuant to this chapter
19 without a court order pursuant to RCW 71.05.215(2) or under the
20 following circumstances:

21 ~~((i))~~ (A) A person presents an imminent likelihood of serious
22 harm;

23 ~~((ii))~~ (B) Medically acceptable alternatives to administration
24 of antipsychotic medications are not available, have not been
25 successful, or are not likely to be effective; and

26 ~~((iii))~~ (C) In the opinion of the physician, physician
27 assistant, or psychiatric advanced registered nurse practitioner with
28 responsibility for treatment of the person, or his or her designee,
29 the person's condition constitutes an emergency requiring the
30 treatment be instituted before a judicial hearing as authorized
31 pursuant to this section can be held.

32 If antipsychotic medications are administered over a person's
33 lack of consent pursuant to this subsection, a petition for an order
34 authorizing the administration of antipsychotic medications shall be
35 filed on the next judicial day. The hearing shall be held within two
36 judicial days. If deemed necessary by the physician, physician
37 assistant, or psychiatric advanced registered nurse practitioner with
38 responsibility for the treatment of the person, administration of
39 antipsychotic medications may continue until the hearing is held;

1 ~~((8))~~ (k) To dispose of property and sign contracts unless such
2 person has been adjudicated an incompetent in a court proceeding
3 directed to that particular issue;

4 ~~((9))~~ (l) Not to have psychosurgery performed on him or her
5 under any circumstances.

6 (2) Every person involuntarily detained or committed under the
7 provisions of this chapter is entitled to all the rights set forth in
8 this chapter and retains all rights not denied him or her under this
9 chapter except as limited by chapter 9.41 RCW.

10 (3) No person may be presumed incompetent as a consequence of
11 receiving evaluation or treatment for a behavioral health disorder.
12 Competency may not be determined or withdrawn except under the
13 provisions of chapter 10.77 or 11.88 RCW.

14 (4) Subject to RCW 71.05.745 and related regulations, persons
15 receiving evaluation or treatment under this chapter must be given a
16 reasonable choice of an available physician, physician assistant,
17 psychiatric advanced registered nurse practitioner, or other
18 professional person qualified to provide such services.

19 (5) Whenever any person is detained under this chapter, the
20 person must be advised that unless the person is released or
21 voluntarily admits himself or herself for treatment within one
22 hundred twenty hours of the initial detention, a judicial hearing
23 must be held in a superior court within one hundred twenty hours to
24 determine whether there is probable cause to detain the person for up
25 to an additional fourteen days based on an allegation that because of
26 a behavioral health disorder the person presents a likelihood of
27 serious harm or is gravely disabled, and that at the probable cause
28 hearing the person has the following rights:

29 (a) To communicate immediately with an attorney; to have an
30 attorney appointed if the person is indigent; and to be told the name
31 and address of the attorney that has been designated;

32 (b) To remain silent, and to know that any statement the person
33 makes may be used against him or her;

34 (c) To present evidence on the person's behalf;

35 (d) To cross-examine witnesses who testify against him or her;

36 (e) To be proceeded against by the rules of evidence;

37 (f) To have the court appoint a reasonably available independent
38 professional person to examine the person and testify in the hearing,
39 at public expense unless the person is able to bear the cost;

1 (g) To view and copy all petitions and reports in the court file;
2 and

3 (h) To refuse psychiatric medications, including antipsychotic
4 medication beginning twenty-four hours prior to the probable cause
5 hearing.

6 (6) The judicial hearing described in subsection (5) of this
7 section must be held according to the provisions of subsection (5) of
8 this section and rules promulgated by the supreme court.

9 (7)(a) Privileges between patients and physicians, physician
10 assistants, psychologists, or psychiatric advanced registered nurse
11 practitioners are deemed waived in proceedings under this chapter
12 relating to the administration of antipsychotic medications. As to
13 other proceedings under this chapter, the privileges are waived when
14 a court of competent jurisdiction in its discretion determines that
15 such waiver is necessary to protect either the detained person or the
16 public.

17 (b) The waiver of a privilege under this section is limited to
18 records or testimony relevant to evaluation of the detained person
19 for purposes of a proceeding under this chapter. Upon motion by the
20 detained person or on its own motion, the court shall examine a
21 record or testimony sought by a petitioner to determine whether it is
22 within the scope of the waiver.

23 (c) The record maker may not be required to testify in order to
24 introduce medical or psychological records of the detained person so
25 long as the requirements of RCW 5.45.020 are met except that portions
26 of the record which contain opinions as to the detained person's
27 mental state must be deleted from such records unless the person
28 making such conclusions is available for cross-examination.

29 (8) Nothing contained in this chapter prohibits the patient from
30 petitioning by writ of habeas corpus for release.

31 (9) Nothing in this section permits any person to knowingly
32 violate a no-contact order or a condition of an active judgment and
33 sentence or an active condition of supervision by the department of
34 corrections.

35 (10) The rights set forth under this section apply equally to
36 ninety-day or one hundred eighty-day hearings under RCW 71.05.310.

37 **Sec. 32.** RCW 71.05.230 and 2018 c 291 s 6 are each amended to
38 read as follows:

1 A person detained for seventy-two hour evaluation and treatment
2 may be committed for not more than fourteen additional days of
3 involuntary intensive treatment or ninety additional days of a less
4 restrictive alternative treatment. A petition may only be filed if
5 the following conditions are met:

6 (1) The professional staff of the facility providing evaluation
7 services has analyzed the person's condition and finds that the
8 condition is caused by ~~((mental disorder or substance use))~~ a
9 behavioral health disorder and results in: (a) A likelihood of
10 serious harm~~((, results in))~~; (b) the person being gravely
11 disabled~~((,))~~; or ~~((results in))~~ (c) the person being in need of
12 assisted outpatient behavioral health treatment~~((,))~~; and are
13 prepared to testify those conditions are met; and

14 (2) The person has been advised of the need for voluntary
15 treatment and the professional staff of the facility has evidence
16 that he or she has not in good faith volunteered; and

17 (3) The facility providing intensive treatment is certified to
18 provide such treatment by the department or under RCW 71.05.745; and

19 (4) (a) (i) The professional staff of the facility or the
20 designated crisis responder has filed a petition with the court for a
21 fourteen day involuntary detention or a ninety day less restrictive
22 alternative. The petition must be signed by:

23 (A) One physician, physician assistant, or psychiatric advanced
24 registered nurse practitioner; and

25 (B) One physician, physician assistant, psychiatric advanced
26 registered nurse practitioner, or mental health professional.

27 (ii) If the petition is for substance use disorder treatment, the
28 petition may be signed by a ~~((chemical dependency))~~ substance use
29 disorder professional instead of a mental health professional and by
30 an advanced registered nurse practitioner instead of a psychiatric
31 advanced registered nurse practitioner. The persons signing the
32 petition must have examined the person.

33 (b) If involuntary detention is sought the petition shall state
34 facts that support the finding that such person, as a result of a
35 ~~((mental disorder or substance use))~~ behavioral health disorder,
36 presents a likelihood of serious harm, or is gravely disabled and
37 that there are no less restrictive alternatives to detention in the
38 best interest of such person or others. The petition shall state
39 specifically that less restrictive alternative treatment was
40 considered and specify why treatment less restrictive than detention

1 is not appropriate. If an involuntary less restrictive alternative is
2 sought, the petition shall state facts that support the finding that
3 such person, as a result of a (~~mental disorder or as a result of a~~
4 ~~substance use~~) behavioral health disorder, presents a likelihood of
5 serious harm, is gravely disabled, or is in need of assisted
6 outpatient behavioral health treatment, and shall set forth any
7 recommendations for less restrictive alternative treatment services;
8 and

9 (5) A copy of the petition has been served on the detained
10 person, his or her attorney and his or her guardian or conservator,
11 if any, prior to the probable cause hearing; and

12 (6) The court at the time the petition was filed and before the
13 probable cause hearing has appointed counsel to represent such person
14 if no other counsel has appeared; and

15 (7) The petition reflects that the person was informed of the
16 loss of firearm rights if involuntarily committed for mental health
17 treatment; and

18 (8) At the conclusion of the initial commitment period, the
19 professional staff of the agency or facility or the designated crisis
20 responder may petition for an additional period of either ninety days
21 of less restrictive alternative treatment or ninety days of
22 involuntary intensive treatment as provided in RCW 71.05.290; and

23 (9) If the hospital or facility designated to provide less
24 restrictive alternative treatment is other than the facility
25 providing involuntary treatment, the outpatient facility so
26 designated to provide less restrictive alternative treatment has
27 agreed to assume such responsibility.

28 **Sec. 33.** RCW 71.05.230 and 2018 c 291 s 6 are each amended to
29 read as follows:

30 A person detained for (~~seventy-two~~) one hundred twenty hour
31 evaluation and treatment may be committed for not more than fourteen
32 additional days of involuntary intensive treatment or ninety
33 additional days of a less restrictive alternative treatment. A
34 petition may only be filed if the following conditions are met:

35 (1) The professional staff of the facility providing evaluation
36 services has analyzed the person's condition and finds that the
37 condition is caused by (~~mental disorder or substance use~~) a
38 behavioral health disorder and results in: (a) A likelihood of
39 serious harm(~~, results in~~); (b) the person being gravely

1 disabled(~~(r)~~); or (~~results in~~) (c) the person being in need of
2 assisted outpatient behavioral health treatment(~~(r)~~); and are
3 prepared to testify those conditions are met; and

4 (2) The person has been advised of the need for voluntary
5 treatment and the professional staff of the facility has evidence
6 that he or she has not in good faith volunteered; and

7 (3) The facility providing intensive treatment is certified to
8 provide such treatment by the department or under RCW 71.05.745; and

9 (4) (a) (i) The professional staff of the facility or the
10 designated crisis responder has filed a petition with the court for a
11 fourteen day involuntary detention or a ninety day less restrictive
12 alternative. The petition must be signed by:

13 (A) One physician, physician assistant, or psychiatric advanced
14 registered nurse practitioner; and

15 (B) One physician, physician assistant, psychiatric advanced
16 registered nurse practitioner, or mental health professional.

17 (ii) If the petition is for substance use disorder treatment, the
18 petition may be signed by a (~~chemical dependency~~) substance use
19 disorder professional instead of a mental health professional and by
20 an advanced registered nurse practitioner instead of a psychiatric
21 advanced registered nurse practitioner. The persons signing the
22 petition must have examined the person.

23 (b) If involuntary detention is sought the petition shall state
24 facts that support the finding that such person, as a result of a
25 (~~mental disorder or substance use~~) behavioral health disorder,
26 presents a likelihood of serious harm, or is gravely disabled and
27 that there are no less restrictive alternatives to detention in the
28 best interest of such person or others. The petition shall state
29 specifically that less restrictive alternative treatment was
30 considered and specify why treatment less restrictive than detention
31 is not appropriate. If an involuntary less restrictive alternative is
32 sought, the petition shall state facts that support the finding that
33 such person, as a result of a (~~mental disorder or as a result of a~~
34 ~~substance use~~) behavioral health disorder, presents a likelihood of
35 serious harm, is gravely disabled, or is in need of assisted
36 outpatient behavioral health treatment, and shall set forth any
37 recommendations for less restrictive alternative treatment services;
38 and

1 (5) A copy of the petition has been served on the detained
2 person, his or her attorney and his or her guardian or conservator,
3 if any, prior to the probable cause hearing; and

4 (6) The court at the time the petition was filed and before the
5 probable cause hearing has appointed counsel to represent such person
6 if no other counsel has appeared; and

7 (7) The petition reflects that the person was informed of the
8 loss of firearm rights if involuntarily committed for mental health
9 treatment; and

10 (8) At the conclusion of the initial commitment period, the
11 professional staff of the agency or facility or the designated crisis
12 responder may petition for an additional period of either ninety days
13 of less restrictive alternative treatment or ninety days of
14 involuntary intensive treatment as provided in RCW 71.05.290; and

15 (9) If the hospital or facility designated to provide less
16 restrictive alternative treatment is other than the facility
17 providing involuntary treatment, the outpatient facility so
18 designated to provide less restrictive alternative treatment has
19 agreed to assume such responsibility.

20 **Sec. 34.** RCW 71.05.235 and 2016 sp.s. c 29 s 231 are each
21 amended to read as follows:

22 (1) If an individual is referred to a designated crisis responder
23 under RCW 10.77.088(~~((1)(e)(i))~~) (2)(d)(i), the designated crisis
24 responder shall examine the individual within forty-eight hours. If
25 the designated crisis responder determines it is not appropriate to
26 detain the individual or petition for a ninety-day less restrictive
27 alternative under RCW 71.05.230(4), that decision shall be
28 immediately presented to the superior court for hearing. The court
29 shall hold a hearing to consider the decision of the designated
30 crisis responder not later than the next judicial day. At the hearing
31 the superior court shall review the determination of the designated
32 crisis responder and determine whether an order should be entered
33 requiring the person to be evaluated at an evaluation and treatment
34 facility. No person referred to an evaluation and treatment facility
35 may be held at the facility longer than seventy-two hours.

36 (2) If an individual is placed in an evaluation and treatment
37 facility under RCW 10.77.088(~~((1)(e)(ii))~~) (2)(d)(ii), a professional
38 person shall evaluate the individual for purposes of determining
39 whether to file a ninety-day inpatient or outpatient petition under

1 this chapter. Before expiration of the seventy-two hour evaluation
2 period authorized under RCW 10.77.088(~~((1)(e)(ii))~~) (2)(d)(ii), the
3 professional person shall file a petition or, if the recommendation
4 of the professional person is to release the individual, present his
5 or her recommendation to the superior court of the county in which
6 the criminal charge was dismissed. The superior court shall review
7 the recommendation not later than forty-eight hours, excluding
8 Saturdays, Sundays, and holidays, after the recommendation is
9 presented. If the court rejects the recommendation to unconditionally
10 release the individual, the court may order the individual detained
11 at a designated evaluation and treatment facility for not more than a
12 seventy-two hour evaluation and treatment period (~~and direct the~~
13 ~~individual to appear at a surety hearing before that court within~~
14 ~~seventy-two hours, or the court may release the individual but direct~~
15 ~~the individual to appear at a surety hearing set before that court~~
16 ~~within eleven days, at which time the prosecutor may file a petition~~
17 ~~under this chapter for ninety-day inpatient or outpatient treatment.~~
18 ~~If a petition is filed by the prosecutor, the court may order that~~
19 ~~the person named in the petition be detained at the evaluation and~~
20 ~~treatment facility that performed the evaluation under this~~
21 ~~subsection or order the respondent to be in outpatient treatment. If~~
22 ~~a petition is filed but the individual fails to appear in court for~~
23 ~~the surety hearing, the court shall order that a mental health~~
24 ~~professional or peace officer shall take such person or cause such~~
25 ~~person to be taken into custody and placed in an evaluation and~~
26 ~~treatment facility to be brought before the court the next judicial~~
27 ~~day after detention)). If the evaluation and treatment facility files
28 a ninety-day petition within the seventy-two hour period, the clerk
29 shall set a hearing after the day of filing consistent with RCW
30 71.05.300. Upon the individual's first appearance in court after a
31 petition has been filed, proceedings under RCW 71.05.310 and
32 71.05.320 shall commence. For an individual subject to this
33 subsection, the (~~prosecutor or~~) professional person may directly
34 file a petition for ninety-day inpatient or outpatient treatment and
35 no petition for initial detention or fourteen-day detention is
36 required before such a petition may be filed.~~

37 (~~The court shall conduct the hearing on the petition filed under~~
38 ~~this subsection within five judicial days of the date the petition is~~
39 ~~filed. The court may continue the hearing upon the written request of~~
40 ~~the person named in the petition or the person's attorney, for good~~

1 cause shown, which continuance shall not exceed five additional
2 judicial days. If the person named in the petition requests a jury
3 trial, the trial shall commence within ten judicial days of the date
4 of the filing of the petition. The burden of proof shall be by clear,
5 cogent, and convincing evidence and shall be upon the petitioner. The
6 person shall be present at such proceeding, which shall in all
7 respects accord with the constitutional guarantees of due process of
8 law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).

9 During the proceeding the person named in the petition shall
10 continue to be detained and treated until released by order of the
11 court. If no order has been made within thirty days after the filing
12 of the petition, not including any extensions of time requested by
13 the detained person or his or her attorney, the detained person shall
14 be released.)

15 (3) If a designated crisis responder or the professional person
16 and prosecuting attorney for the county in which the criminal charge
17 was dismissed or attorney general, as appropriate, stipulate that the
18 individual does not present a likelihood of serious harm or is not
19 gravely disabled, the hearing under this section is not required and
20 the individual, if in custody, shall be released.

21 ((4) The individual shall have the rights specified in RCW
22 71.05.360 (8) and (9).))

23 **Sec. 35.** RCW 71.05.235 and 2016 sp.s. c 29 s 231 are each
24 amended to read as follows:

25 (1) If an individual is referred to a designated crisis responder
26 under RCW 10.77.088(~~((1)(e)(i))~~) (2)(d)(i), the designated crisis
27 responder shall examine the individual within forty-eight hours. If
28 the designated crisis responder determines it is not appropriate to
29 detain the individual or petition for a ninety-day less restrictive
30 alternative under RCW 71.05.230(4), that decision shall be
31 immediately presented to the superior court for hearing. The court
32 shall hold a hearing to consider the decision of the designated
33 crisis responder not later than the next judicial day. At the hearing
34 the superior court shall review the determination of the designated
35 crisis responder and determine whether an order should be entered
36 requiring the person to be evaluated at an evaluation and treatment
37 facility. No person referred to an evaluation and treatment facility
38 may be held at the facility longer than (~~(seventy-two)~~) one hundred
39 twenty hours.

1 (2) If an individual is placed in an evaluation and treatment
2 facility under RCW 10.77.088(~~((1)(e)(ii))~~) (2)(d)(ii), a professional
3 person shall evaluate the individual for purposes of determining
4 whether to file a ninety-day inpatient or outpatient petition under
5 this chapter. Before expiration of the (~~(seventy-two)~~) one hundred
6 twenty hour evaluation period authorized under RCW
7 10.77.088(~~((1)(e)(ii))~~) (2)(d)(ii), the professional person shall
8 file a petition or, if the recommendation of the professional person
9 is to release the individual, present his or her recommendation to
10 the superior court of the county in which the criminal charge was
11 dismissed. The superior court shall review the recommendation not
12 later than forty-eight hours, excluding Saturdays, Sundays, and
13 holidays, after the recommendation is presented. If the court rejects
14 the recommendation to unconditionally release the individual, the
15 court may order the individual detained at a designated evaluation
16 and treatment facility for not more than a (~~(seventy-two)~~) one
17 hundred twenty hour evaluation and treatment period (~~(and direct the~~
18 ~~individual to appear at a surety hearing before that court within~~
19 ~~seventy-two hours, or the court may release the individual but direct~~
20 ~~the individual to appear at a surety hearing set before that court~~
21 ~~within eleven days, at which time the prosecutor may file a petition~~
22 ~~under this chapter for ninety-day inpatient or outpatient treatment.~~
23 ~~If a petition is filed by the prosecutor, the court may order that~~
24 ~~the person named in the petition be detained at the evaluation and~~
25 ~~treatment facility that performed the evaluation under this~~
26 ~~subsection or order the respondent to be in outpatient treatment. If~~
27 ~~a petition is filed but the individual fails to appear in court for~~
28 ~~the surety hearing, the court shall order that a mental health~~
29 ~~professional or peace officer shall take such person or cause such~~
30 ~~person to be taken into custody and placed in an evaluation and~~
31 ~~treatment facility to be brought before the court the next judicial~~
32 ~~day after detention)). If the evaluation and treatment facility files
33 a ninety-day petition within the one hundred twenty hour period, the
34 clerk shall set a hearing after the day of filing consistent with RCW
35 71.05.300. Upon the individual's first appearance in court after a
36 petition has been filed, proceedings under RCW 71.05.310 and
37 71.05.320 shall commence. For an individual subject to this
38 subsection, the (~~(prosecutor or)~~) professional person may directly
39 file a petition for ninety-day inpatient or outpatient treatment and~~

1 no petition for initial detention or fourteen-day detention is
2 required before such a petition may be filed.

3 ~~((The court shall conduct the hearing on the petition filed under
4 this subsection within five judicial days of the date the petition is
5 filed. The court may continue the hearing upon the written request of
6 the person named in the petition or the person's attorney, for good
7 cause shown, which continuance shall not exceed five additional
8 judicial days. If the person named in the petition requests a jury
9 trial, the trial shall commence within ten judicial days of the date
10 of the filing of the petition. The burden of proof shall be by clear,
11 cogent, and convincing evidence and shall be upon the petitioner. The
12 person shall be present at such proceeding, which shall in all
13 respects accord with the constitutional guarantees of due process of
14 law and the rules of evidence pursuant to RCW 71.05.360 (8) and (9).
15~~

16 ~~During the proceeding the person named in the petition shall
17 continue to be detained and treated until released by order of the
18 court. If no order has been made within thirty days after the filing
19 of the petition, not including any extensions of time requested by
20 the detained person or his or her attorney, the detained person shall
21 be released.))~~

22 (3) If a designated crisis responder or the professional person
23 and prosecuting attorney for the county in which the criminal charge
24 was dismissed or attorney general, as appropriate, stipulate that the
25 individual does not present a likelihood of serious harm or is not
26 gravely disabled, the hearing under this section is not required and
27 the individual, if in custody, shall be released.

28 ~~((4) The individual shall have the rights specified in RCW
71.05.360 (8) and (9).))~~

29 NEW SECTION. **Sec. 36.** A new section is added to chapter 71.05
30 RCW to read as follows:

31 (1) In any proceeding for involuntary commitment under this
32 chapter, the court may continue or postpone such proceeding for a
33 reasonable time on motion of the respondent for good cause, or on
34 motion of the prosecuting attorney or the attorney general if:

35 (a) The respondent expressly consents to a continuance or delay
36 and there is a showing of good cause; or

37 (b) Such continuance is required in the proper administration of
38 justice and the respondent will not be substantially prejudiced in
39 the presentation of the respondent's case.

1 (2) The court may continue a hearing on a petition filed under
2 RCW 71.05.280(3) for good cause upon written request by the
3 petitioner, respondent, or respondent's attorney.

4 (3) The court may on its own motion continue the case when
5 required in due administration of justice and when the respondent
6 will not be substantially prejudiced in the presentation of the
7 respondent's case.

8 (4) The court shall state in any order of continuance or
9 postponement the grounds for the continuance or postponement and
10 whether detention will be extended.

11 **Sec. 37.** RCW 71.05.240 and 2019 c 446 s 11 are each amended to
12 read as follows:

13 (1) If a petition is filed for fourteen day involuntary treatment
14 or ninety days of less restrictive alternative treatment, the court
15 shall hold a probable cause hearing within seventy-two hours of the
16 initial detention of such person as determined in RCW 71.05.180, or
17 at a time determined under RCW 71.05.148. (~~If requested by the
18 person or his or her attorney, the hearing may be postponed for a
19 period not to exceed forty-eight hours. The hearing may also be
20 continued subject to the conditions set forth in RCW 71.05.210 or
21 subject to the petitioner's showing of good cause for a period not to
22 exceed twenty-four hours.~~)

23 (2) If the petition is for mental health treatment, the court or
24 the prosecutor at the time of the probable cause hearing and before
25 an order of commitment is entered shall inform the person both orally
26 and in writing that the failure to make a good faith effort to seek
27 voluntary treatment as provided in RCW 71.05.230 will result in the
28 loss of his or her firearm rights if the person is subsequently
29 detained for involuntary treatment under this section.

30 (3) If the person or his or her attorney alleges, prior to the
31 commencement of the hearing, that the person has in good faith
32 volunteered for treatment, the petitioner must show, by preponderance
33 of the evidence, that the person has not in good faith volunteered
34 for appropriate treatment. In order to qualify as a good faith
35 volunteer, the person must abide by procedures and a treatment plan
36 as prescribed by a treatment facility and professional staff.

37 (4)(a) Subject to (b) of this subsection, at the conclusion of
38 the probable cause hearing, if the court finds by a preponderance of
39 the evidence that such person, as the result of a (~~mental disorder~~

1 ~~or substance use~~) behavioral health disorder, presents a likelihood
2 of serious harm, or is gravely disabled, and, after considering less
3 restrictive alternatives to involuntary detention and treatment,
4 finds that no such alternatives are in the best interests of such
5 person or others, the court shall order that such person be detained
6 for involuntary treatment not to exceed fourteen days in a facility
7 licensed or certified to provide treatment by the department or under
8 RCW 71.05.745.

9 (b) (~~Commitment for up to fourteen days based on a substance use~~
10 ~~disorder must be to either a secure withdrawal management and~~
11 ~~stabilization facility or an approved substance use disorder~~
12 ~~treatment program.~~) A court may only (~~enter a commitment~~) order
13 (~~based on a substance use disorder if there is an available~~)
14 commitment to a secure withdrawal management and stabilization
15 facility or approved substance use disorder treatment program if
16 there is an available facility with adequate space for the person.

17 (c) At the conclusion of the probable cause hearing, if the court
18 finds by a preponderance of the evidence that such person, as the
19 result of a (~~mental disorder or substance use~~) behavioral health
20 disorder, presents a likelihood of serious harm(~~(r)~~) or is gravely
21 disabled, but that treatment in a less restrictive setting than
22 detention is in the best interest of such person or others, the court
23 shall order an appropriate less restrictive alternative course of
24 treatment for (~~not to exceed~~) up to ninety days.

25 (d) If the court finds by a preponderance of the evidence that
26 such person, as the result of a (~~mental disorder or substance use~~)
27 behavioral health disorder, is in need of assisted outpatient
28 behavioral health treatment, and that the person does not present a
29 likelihood of serious harm (~~or grave disability~~) and is not gravely
30 disabled, the court shall order an appropriate less restrictive
31 alternative course of treatment (~~not to exceed~~) for up to ninety
32 days.

33 (~~(4)~~) (5) An order for less restrictive alternative treatment
34 must name the (~~mental~~) behavioral health service provider
35 responsible for identifying the services the person will receive in
36 accordance with RCW 71.05.585, and must include a requirement that
37 the person cooperate with the (~~services planned by~~) treatment
38 recommendations of the (~~mental~~) behavioral health service provider.

39 (~~(5)~~) (6) The court shall (~~specifically state to such person~~
40 ~~and give such person notice~~) notify the person orally and in writing

1 that if involuntary treatment is sought beyond the fourteen-day
2 (~~period~~) inpatient or (~~beyond the~~) ninety-day(~~s of~~) less
3 restrictive treatment (~~is to be sought~~) period, (~~such~~) the person
4 (~~will have~~) has the right to a full hearing or jury trial (~~as~~
5 ~~required by~~) under RCW 71.05.310. If the commitment is for mental
6 health treatment, the court shall also (~~state to~~) notify the person
7 (~~and provide written notice~~) orally and in writing that the person
8 is barred from the possession of firearms and that the prohibition
9 remains in effect until a court restores his or her right to possess
10 a firearm under RCW 9.41.047.

11 (7) If the court does not issue an order to detain a person under
12 this section, the court shall issue an order to dismiss the petition.

13 **Sec. 38.** RCW 71.05.240 and 2019 c 446 s 11 are each amended to
14 read as follows:

15 (1) If a petition is filed for fourteen day involuntary treatment
16 or ninety days of less restrictive alternative treatment, the court
17 shall hold a probable cause hearing within (~~seventy-two~~) one
18 hundred twenty hours of the initial detention of such person as
19 determined in RCW 71.05.180, or at a time determined under RCW
20 71.05.148. (~~If requested by the person or his or her attorney, the~~
21 ~~hearing may be postponed for a period not to exceed forty-eight~~
22 ~~hours. The hearing may also be continued subject to the conditions~~
23 ~~set forth in RCW 71.05.210 or subject to the petitioner's showing of~~
24 ~~good cause for a period not to exceed twenty-four hours.))~~

25 (2) If the petition is for mental health treatment, the court or
26 the prosecutor at the time of the probable cause hearing and before
27 an order of commitment is entered shall inform the person both orally
28 and in writing that the failure to make a good faith effort to seek
29 voluntary treatment as provided in RCW 71.05.230 will result in the
30 loss of his or her firearm rights if the person is subsequently
31 detained for involuntary treatment under this section.

32 (3) If the person or his or her attorney alleges, prior to the
33 commencement of the hearing, that the person has in good faith
34 volunteered for treatment, the petitioner must show, by preponderance
35 of the evidence, that the person has not in good faith volunteered
36 for appropriate treatment. In order to qualify as a good faith
37 volunteer, the person must abide by procedures and a treatment plan
38 as prescribed by a treatment facility and professional staff.

1 ~~(4)~~(a) Subject to (b) of this subsection, at the conclusion of
2 the probable cause hearing, if the court finds by a preponderance of
3 the evidence that such person, as the result of a (~~mental disorder~~
4 ~~or substance use~~) behavioral health disorder, presents a likelihood
5 of serious harm, or is gravely disabled, and, after considering less
6 restrictive alternatives to involuntary detention and treatment,
7 finds that no such alternatives are in the best interests of such
8 person or others, the court shall order that such person be detained
9 for involuntary treatment not to exceed fourteen days in a facility
10 licensed or certified to provide treatment by the department or under
11 RCW 71.05.745.

12 (b) (~~Commitment for up to fourteen days based on a substance use~~
13 ~~disorder must be to either a secure withdrawal management and~~
14 ~~stabilization facility or an approved substance use disorder~~
15 ~~treatment program.~~) A court may only (~~enter a commitment~~) order
16 (~~based on a substance use disorder if there is an available~~)
17 commitment to a secure withdrawal management and stabilization
18 facility or approved substance use disorder treatment program if
19 there is an available facility with adequate space for the person.

20 (c) At the conclusion of the probable cause hearing, if the court
21 finds by a preponderance of the evidence that such person, as the
22 result of a (~~mental disorder or substance use~~) behavioral health
23 disorder, presents a likelihood of serious harm(~~(r)~~) or is gravely
24 disabled, but that treatment in a less restrictive setting than
25 detention is in the best interest of such person or others, the court
26 shall order an appropriate less restrictive alternative course of
27 treatment for (~~not to exceed~~) up to ninety days.

28 (d) If the court finds by a preponderance of the evidence that
29 such person, as the result of a (~~mental disorder or substance use~~)
30 behavioral health disorder, is in need of assisted outpatient
31 behavioral health treatment, and that the person does not present a
32 likelihood of serious harm (~~or grave disability~~) and is not gravely
33 disabled, the court shall order an appropriate less restrictive
34 alternative course of treatment (~~not to exceed~~) for up to ninety
35 days.

36 (~~(4)~~) (5) An order for less restrictive alternative treatment
37 must name the (~~mental~~) behavioral health service provider
38 responsible for identifying the services the person will receive in
39 accordance with RCW 71.05.585, and must include a requirement that

1 the person cooperate with the ~~((services planned by))~~ treatment
2 recommendations of the ~~((mental))~~ behavioral health service provider.

3 ~~((5))~~ (6) The court shall ~~((specifically state to such person~~
4 ~~and give such person notice))~~ notify the person orally and in writing
5 that if involuntary treatment is sought beyond the fourteen-day
6 ~~((period))~~ inpatient or ~~((beyond the))~~ ninety-day~~((s of))~~ less
7 restrictive treatment ~~((is to be sought))~~ period, ~~((such))~~ the person
8 ~~((will have))~~ has the right to a full hearing or jury trial ~~((as~~
9 ~~required by))~~ under RCW 71.05.310. If the commitment is for mental
10 health treatment, the court shall also ~~((state to))~~ notify the person
11 ~~((and provide written notice))~~ orally and in writing that the person
12 is barred from the possession of firearms and that the prohibition
13 remains in effect until a court restores his or her right to possess
14 a firearm under RCW 9.41.047.

15 (7) If the court does not issue an order to detain a person under
16 this section, the court shall issue an order to dismiss the petition.

17 **Sec. 39.** RCW 71.05.240 and 2019 c 446 s 12 are each amended to
18 read as follows:

19 (1) If a petition is filed for fourteen day involuntary treatment
20 or ninety days of less restrictive alternative treatment, the court
21 shall hold a probable cause hearing within ~~((seventy-two))~~ one
22 hundred twenty hours of the initial detention of such person as
23 determined in RCW 71.05.180, or at a time determined under RCW
24 71.05.148. ~~((If requested by the person or his or her attorney, the~~
25 ~~hearing may be postponed for a period not to exceed forty-eight~~
26 ~~hours. The hearing may also be continued subject to the conditions~~
27 ~~set forth in RCW 71.05.210 or subject to the petitioner's showing of~~
28 ~~good cause for a period not to exceed twenty-four hours.))~~

29 (2) If the petition is for mental health treatment, the court or
30 the prosecutor at the time of the probable cause hearing and before
31 an order of commitment is entered shall inform the person both orally
32 and in writing that the failure to make a good faith effort to seek
33 voluntary treatment as provided in RCW 71.05.230 will result in the
34 loss of his or her firearm rights if the person is subsequently
35 detained for involuntary treatment under this section.

36 (3) If the person or his or her attorney alleges, prior to the
37 commencement of the hearing, that the person has in good faith
38 volunteered for treatment, the petitioner must show, by preponderance
39 of the evidence, that the person has not in good faith volunteered

1 for appropriate treatment. In order to qualify as a good faith
2 volunteer, the person must abide by procedures and a treatment plan
3 as prescribed by a treatment facility and professional staff.

4 ~~(4)~~(a) ~~((Subject to (b) of this subsection,))~~ At the conclusion
5 of the probable cause hearing, if the court finds by a preponderance
6 of the evidence that such person, as the result of a ~~((mental~~
7 ~~disorder or substance use))~~ behavioral health disorder, presents a
8 likelihood of serious harm, or is gravely disabled, and, after
9 considering less restrictive alternatives to involuntary detention
10 and treatment, finds that no such alternatives are in the best
11 interests of such person or others, the court shall order that such
12 person be detained for involuntary treatment not to exceed fourteen
13 days in a facility licensed or certified to provide treatment by the
14 department or under RCW 71.05.745.

15 (b) ~~((Commitment for up to fourteen days based on a substance use~~
16 ~~disorder must be to either a secure withdrawal management and~~
17 ~~stabilization facility or an approved substance use disorder~~
18 ~~treatment program.~~

19 ~~(c))~~ At the conclusion of the probable cause hearing, if the
20 court finds by a preponderance of the evidence that such person, as
21 the result of a ~~((mental disorder or substance use))~~ behavioral
22 health disorder, presents a likelihood of serious harm~~((7))~~ or is
23 gravely disabled, but that treatment in a less restrictive setting
24 than detention is in the best interest of such person or others, the
25 court shall order an appropriate less restrictive alternative course
26 of treatment for ~~((not to exceed))~~ up to ninety days.

27 ~~((d))~~ (c) If the court finds by a preponderance of the evidence
28 that such person, as the result of a ~~((mental disorder or substance~~
29 ~~use))~~ behavioral health disorder, is in need of assisted outpatient
30 behavioral health treatment, and that the person does not present a
31 likelihood of serious harm ~~((or grave disability))~~ and is not gravely
32 disabled, the court shall order an appropriate less restrictive
33 alternative course of treatment ~~((not to exceed))~~ for up to ninety
34 days.

35 ~~((4))~~ (5) An order for less restrictive alternative treatment
36 must name the ~~((mental))~~ behavioral health service provider
37 responsible for identifying the services the person will receive in
38 accordance with RCW 71.05.585, and must include a requirement that
39 the person cooperate with the ~~((services planned by))~~ treatment
40 recommendations of the ~~((mental))~~ behavioral health service provider.

1 ~~((5))~~ (6) The court shall ~~((specifically state to such person~~
2 ~~and give such person notice))~~ notify the person orally and in writing
3 that if involuntary treatment is sought beyond the fourteen-day
4 ~~((period))~~ inpatient or ~~((beyond the))~~ ninety-day~~((s of))~~ less
5 restrictive treatment ~~((is to be sought))~~ period, such person ~~((will~~
6 ~~have))~~ has the right to a full hearing or jury trial ~~((as required~~
7 ~~by))~~ under RCW 71.05.310. If the commitment is for mental health
8 treatment, the court shall also ~~((state to))~~ notify the person ~~((and~~
9 ~~provide written notice))~~ orally and in writing that the person is
10 barred from the possession of firearms and that the prohibition
11 remains in effect until a court restores his or her right to possess
12 a firearm under RCW 9.41.047.

13 (7) If the court does not issue an order to detain a person under
14 this section, the court shall issue an order to dismiss the petition.

15 **Sec. 40.** RCW 71.05.280 and 2018 c 291 s 15 are each amended to
16 read as follows:

17 At the expiration of the fourteen-day period of intensive
18 treatment, a person may be committed for further treatment pursuant
19 to RCW 71.05.320 if:

20 (1) Such person after having been taken into custody for
21 evaluation and treatment has threatened, attempted, or inflicted: (a)
22 Physical harm upon the person of another or himself or herself, or
23 substantial damage upon the property of another, and (b) as a result
24 of ~~((mental disorder or substance use))~~ a behavioral health disorder
25 presents a likelihood of serious harm; or

26 (2) Such person was taken into custody as a result of conduct in
27 which he or she attempted or inflicted physical harm upon the person
28 of another or himself or herself, or substantial damage upon the
29 property of others, and continues to present, as a result of ~~((mental~~
30 ~~disorder or substance use))~~ a behavioral health disorder, a
31 likelihood of serious harm; or

32 (3) Such person has been determined to be incompetent and
33 criminal charges have been dismissed pursuant to RCW 10.77.086(4),
34 and has committed acts constituting a felony, and as a result of a
35 ~~((mental))~~ behavioral health disorder, presents a substantial
36 likelihood of repeating similar acts.

37 (a) In any proceeding pursuant to this subsection it shall not be
38 necessary to show intent, willfulness, or state of mind as an element
39 of the crime;

1 (b) For any person subject to commitment under this subsection
2 where the charge underlying the finding of incompetence is for a
3 felony classified as violent under RCW 9.94A.030, the court shall
4 determine whether the acts the person committed constitute a violent
5 offense under RCW 9.94A.030; or

6 (4) Such person is gravely disabled; or

7 (5) Such person is in need of assisted outpatient behavioral
8 health treatment.

9 **Sec. 41.** RCW 71.05.290 and 2017 3rd sp.s. c 14 s 18 are each
10 amended to read as follows:

11 (1) At any time during a person's fourteen day intensive
12 treatment period, the professional person in charge of a treatment
13 facility or his or her professional designee or the designated crisis
14 responder may petition the superior court for an order requiring such
15 person to undergo an additional period of treatment. Such petition
16 must be based on one or more of the grounds set forth in RCW
17 71.05.280.

18 (2) (a) (i) The petition shall summarize the facts which support
19 the need for further commitment and shall be supported by affidavits
20 based on an examination of the patient and signed by:

21 (A) One physician, physician assistant, or psychiatric advanced
22 registered nurse practitioner; and

23 (B) One physician, physician assistant, psychiatric advanced
24 registered nurse practitioner, or mental health professional.

25 (ii) If the petition is for substance use disorder treatment, the
26 petition may be signed by a (~~chemical dependency~~) substance use
27 disorder professional instead of a mental health professional and by
28 an advanced registered nurse practitioner instead of a psychiatric
29 advanced registered nurse practitioner.

30 (b) The affidavits shall describe in detail the behavior of the
31 detained person which supports the petition and shall explain what,
32 if any, less restrictive treatments which are alternatives to
33 detention are available to such person, and shall state the
34 willingness of the affiant to testify to such facts in subsequent
35 judicial proceedings under this chapter. If less restrictive
36 alternative treatment is sought, the petition shall set forth any
37 recommendations for less restrictive alternative treatment services.

38 (3) If a person has been determined to be incompetent pursuant to
39 RCW 10.77.086(4), then the professional person in charge of the

1 treatment facility or his or her professional designee or the
2 designated crisis responder may directly file a petition for one
3 hundred eighty-day treatment under RCW 71.05.280(3), or for ninety-
4 day treatment under RCW 71.05.280 (1), (2), (4), or (5). No petition
5 for initial detention or fourteen day detention is required before
6 such a petition may be filed.

7 **Sec. 42.** RCW 71.05.300 and 2019 c 325 s 3007 are each amended to
8 read as follows:

9 (1) The petition for ninety day treatment shall be filed with the
10 clerk of the superior court at least three days before expiration of
11 the fourteen-day period of intensive treatment. (~~At the time of~~
12 ~~filing such petition,~~) The clerk shall set a (~~time for the person~~
13 ~~to come before the court on the next judicial day after the day of~~
14 ~~filing unless such appearance is waived by the person's attorney, and~~
15 ~~the clerk shall~~) trial setting date as provided in RCW 71.05.310 on
16 the next judicial day after the date of filing the petition and
17 notify the designated crisis responder. The designated crisis
18 responder shall immediately notify the person detained, his or her
19 attorney, if any, and his or her guardian or conservator, if any, the
20 prosecuting attorney, and the behavioral health administrative
21 services organization administrator, and provide a copy of the
22 petition to such persons as soon as possible. The behavioral health
23 administrative services organization administrator or designee may
24 review the petition and may appear and testify at the full hearing on
25 the petition.

26 (2) (~~At the time set for appearance~~) The attorney for the
27 detained person (~~shall be brought before the court, unless such~~
28 ~~appearance has been waived and the court~~) shall advise him or her of
29 his or her right to be represented by an attorney, his or her right
30 to a jury trial, and, if the petition is for commitment for mental
31 health treatment, his or her loss of firearm rights if involuntarily
32 committed. If the detained person is not represented by an attorney,
33 or is indigent or is unwilling to retain an attorney, the court shall
34 immediately appoint an attorney to represent him or her. The court
35 shall, if requested, appoint a reasonably available licensed
36 physician, physician assistant, psychiatric advanced registered nurse
37 practitioner, psychologist, psychiatrist, or other professional
38 person, designated by the detained person to examine and testify on
39 behalf of the detained person.

1 (3) The court may, if requested, also appoint a professional
2 person as defined in RCW 71.05.020 to seek less restrictive
3 alternative courses of treatment and to testify on behalf of the
4 detained person. In the case of a person with a developmental
5 disability who has been determined to be incompetent pursuant to RCW
6 10.77.086(4), ~~((then))~~ the appointed professional person under this
7 section shall be a developmental disabilities professional.

8 ~~((4) The court shall also set a date for a full hearing on the
9 petition as provided in RCW 71.05.310.))~~

10 **Sec. 43.** RCW 71.05.310 and 2012 c 256 s 8 are each amended to
11 read as follows:

12 The court shall ~~((conduct))~~ set a hearing on the petition for
13 ninety-day or one hundred eighty-day treatment within five judicial
14 days of the ~~((first court appearance after the probable cause
15 hearing))~~ trial setting hearing, or within ten judicial days for a
16 petition filed under RCW 71.05.280(3). The court may continue the
17 hearing ~~((for good cause upon the written request of the person named
18 in the petition or the person's attorney. The court may continue for
19 good cause the hearing on a petition filed under RCW 71.05.280(3)
20 upon written request by the person named in the petition, the
21 person's attorney, or the petitioner))~~ in accordance with section 36
22 of this act. If the person named in the petition requests a jury
23 trial, the trial ~~((shall commence))~~ must be set within ten judicial
24 days of the ~~((first court appearance after the probable cause
25 hearing))~~ next judicial day after the date of filing the petition.
26 The burden of proof shall be by clear, cogent, and convincing
27 evidence and shall be upon the petitioner. The person ~~((shall))~~ has
28 the right to be present at such proceeding, which shall in all
29 respects accord with the constitutional guarantees of due process of
30 law and the rules of evidence ~~((pursuant to RCW 71.05.360 (8) and
31 (9))~~ under RCW 71.05.217.

32 During the proceeding, the person named in the petition shall
33 continue to be treated until released by order of the superior court
34 or discharged by the behavioral health service provider. If ~~((no
35 order has been made))~~ the hearing has not commenced within thirty
36 days after the filing of the petition, not including extensions of
37 time ~~((requested by the detained person or his or her attorney, or
38 the petitioner in the case of a petition filed under RCW~~

1 ~~71.05.280(3))~~ ordered under section 36 of this act, the detained
2 person shall be released.

3 **Sec. 44.** RCW 71.05.320 and 2018 c 201 s 3012 are each amended to
4 read as follows:

5 (1)(a) Subject to (b) of this subsection, if the court or jury
6 finds that grounds set forth in RCW 71.05.280 have been proven and
7 that the best interests of the person or others will not be served by
8 a less restrictive treatment which is an alternative to detention,
9 the court shall remand him or her to the custody of the department of
10 social and health services or to a facility certified for ninety day
11 treatment by the department for a further period of intensive
12 treatment not to exceed ninety days from the date of judgment.

13 (b) If the order for inpatient treatment is based on a substance
14 use disorder, treatment must take place at an approved substance use
15 disorder treatment program. The court may only enter an order for
16 commitment based on a substance use disorder if there is an available
17 approved substance use disorder treatment program with adequate space
18 for the person.

19 (c) If the grounds set forth in RCW 71.05.280(3) are the basis of
20 commitment, then the period of treatment may be up to but not exceed
21 one hundred eighty days from the date of judgment to the custody of
22 the department of social and health services or to a facility
23 certified for one hundred eighty-day treatment by the department or
24 under RCW 71.05.745.

25 (2) If the court or jury finds that grounds set forth in RCW
26 71.05.280 have been proven, but finds that treatment less restrictive
27 than detention will be in the best interest of the person or others,
28 then the court shall remand him or her to the custody of the
29 department of social and health services or to a facility certified
30 for ninety day treatment by the department or to a less restrictive
31 alternative for a further period of less restrictive treatment not to
32 exceed ninety days from the date of judgment. (~~If the order for less
33 restrictive treatment is based on a substance use disorder, treatment
34 must be provided by an approved substance use disorder treatment
35 program.~~) If the grounds set forth in RCW 71.05.280(3) are the basis
36 of commitment, then the period of treatment may be up to but not
37 exceed one hundred eighty days from the date of judgment. If the
38 court or jury finds that the grounds set forth in RCW 71.05.280(5)
39 have been proven, and provide the only basis for commitment, the

1 court must enter an order for less restrictive alternative treatment
2 for up to ninety days from the date of judgment and may not order
3 inpatient treatment.

4 (3) An order for less restrictive alternative treatment entered
5 under subsection (2) of this section must name the (~~mental~~)
6 behavioral health service provider responsible for identifying the
7 services the person will receive in accordance with RCW 71.05.585,
8 and must include a requirement that the person cooperate with the
9 services planned by the (~~mental~~) behavioral health service
10 provider.

11 (4) The person shall be released from involuntary treatment at
12 the expiration of the period of commitment imposed under subsection
13 (1) or (2) of this section unless the superintendent or professional
14 person in charge of the facility in which he or she is confined, or
15 in the event of a less restrictive alternative, the designated crisis
16 responder, files a new petition for involuntary treatment on the
17 grounds that the committed person:

18 (a) During the current period of court ordered treatment: (i) Has
19 threatened, attempted, or inflicted physical harm upon the person of
20 another, or substantial damage upon the property of another, and (ii)
21 as a result of a (~~mental disorder, substance use~~) behavioral health
22 disorder((~~7~~)) or developmental disability presents a likelihood of
23 serious harm; or

24 (b) Was taken into custody as a result of conduct in which he or
25 she attempted or inflicted serious physical harm upon the person of
26 another, and continues to present, as a result of (~~mental disorder,~~
27 ~~substance use~~) a behavioral health disorder((~~7~~)) or developmental
28 disability, a likelihood of serious harm; or

29 (c) (i) Is in custody pursuant to RCW 71.05.280(3) and as a result
30 of (~~mental~~) a behavioral health disorder or developmental
31 disability continues to present a substantial likelihood of repeating
32 acts similar to the charged criminal behavior, when considering the
33 person's life history, progress in treatment, and the public safety.

34 (ii) In cases under this subsection where the court has made an
35 affirmative special finding under RCW 71.05.280(3)(b), the commitment
36 shall continue for up to an additional one hundred eighty-day period
37 whenever the petition presents prima facie evidence that the person
38 continues to suffer from a (~~mental~~) behavioral health disorder or
39 developmental disability that results in a substantial likelihood of
40 committing acts similar to the charged criminal behavior, unless the

1 person presents proof through an admissible expert opinion that the
2 person's condition has so changed such that the (~~mental~~) behavioral
3 health disorder or developmental disability no longer presents a
4 substantial likelihood of the person committing acts similar to the
5 charged criminal behavior. The initial or additional commitment
6 period may include transfer to a specialized program of intensive
7 support and treatment, which may be initiated prior to or after
8 discharge from the state hospital; or

9 (d) Continues to be gravely disabled; or

10 (e) Is in need of assisted outpatient (~~mental~~) behavioral
11 health treatment.

12 If the conduct required to be proven in (b) and (c) of this
13 subsection was found by a judge or jury in a prior trial under this
14 chapter, it shall not be necessary to prove such conduct again.

15 If less restrictive alternative treatment is sought, the petition
16 shall set forth any recommendations for less restrictive alternative
17 treatment services.

18 (5) A new petition for involuntary treatment filed under
19 subsection (4) of this section shall be filed and heard in the
20 superior court of the county of the facility which is filing the new
21 petition for involuntary treatment unless good cause is shown for a
22 change of venue. The cost of the proceedings shall be borne by the
23 state.

24 (6)(a) The hearing shall be held as provided in RCW 71.05.310,
25 and if the court or jury finds that the grounds for additional
26 confinement as set forth in this section are present, subject to
27 subsection (1)(b) of this section, the court may order the committed
28 person returned for an additional period of treatment not to exceed
29 one hundred eighty days from the date of judgment, except as provided
30 in subsection (7) of this section. If the court's order is based
31 solely on the grounds identified in subsection (4)(e) of this
32 section, the court may enter an order for less restrictive
33 alternative treatment not to exceed one hundred eighty days from the
34 date of judgment, and may not enter an order for inpatient treatment.
35 An order for less restrictive alternative treatment must name the
36 (~~mental~~) behavioral health service provider responsible for
37 identifying the services the person will receive in accordance with
38 RCW 71.05.585, and must include a requirement that the person
39 cooperate with the services planned by the (~~mental~~) behavioral
40 health service provider.

1 (b) At the end of the one hundred eighty-day period of
2 commitment, or one-year period of commitment if subsection (7) of
3 this section applies, the committed person shall be released unless a
4 petition for an additional one hundred eighty-day period of continued
5 treatment is filed and heard in the same manner as provided in this
6 section. Successive one hundred eighty-day commitments are
7 permissible on the same grounds and pursuant to the same procedures
8 as the original one hundred eighty-day commitment.

9 (7) An order for less restrictive treatment entered under
10 subsection (6) of this section may be for up to one year when the
11 person's previous commitment term was for intensive inpatient
12 treatment in a state hospital.

13 (8) No person committed as provided in this section may be
14 detained unless a valid order of commitment is in effect. No order of
15 commitment can exceed one hundred eighty days in length except as
16 provided in subsection (7) of this section.

17 **Sec. 45.** RCW 71.05.320 and 2018 c 201 s 3013 are each amended to
18 read as follows:

19 (1) If the court or jury finds that grounds set forth in RCW
20 71.05.280 have been proven and that the best interests of the person
21 or others will not be served by a less restrictive treatment which is
22 an alternative to detention, the court shall remand him or her to the
23 custody of the department of social and health services or to a
24 facility certified for ninety day treatment by the department for a
25 further period of intensive treatment not to exceed ninety days from
26 the date of judgment.

27 If the order for inpatient treatment is based on a substance use
28 disorder, treatment must take place at an approved substance use
29 disorder treatment program. If the grounds set forth in RCW
30 71.05.280(3) are the basis of commitment, then the period of
31 treatment may be up to but not exceed one hundred eighty days from
32 the date of judgment to the custody of the department of social and
33 health services or to a facility certified for one hundred eighty-day
34 treatment by the department or under RCW 71.05.745.

35 (2) If the court or jury finds that grounds set forth in RCW
36 71.05.280 have been proven, but finds that treatment less restrictive
37 than detention will be in the best interest of the person or others,
38 then the court shall remand him or her to the custody of the
39 department of social and health services or to a facility certified

1 for ninety day treatment by the department or to a less restrictive
2 alternative for a further period of less restrictive treatment not to
3 exceed ninety days from the date of judgment. (~~If the order for less~~
4 ~~restrictive treatment is based on a substance use disorder, treatment~~
5 ~~must be provided by an approved substance use disorder treatment~~
6 ~~program.~~) If the grounds set forth in RCW 71.05.280(3) are the basis
7 of commitment, then the period of treatment may be up to but not
8 exceed one hundred eighty days from the date of judgment. If the
9 court or jury finds that the grounds set forth in RCW 71.05.280(5)
10 have been proven, and provide the only basis for commitment, the
11 court must enter an order for less restrictive alternative treatment
12 for up to ninety days from the date of judgment and may not order
13 inpatient treatment.

14 (3) An order for less restrictive alternative treatment entered
15 under subsection (2) of this section must name the (~~mental~~)
16 behavioral health service provider responsible for identifying the
17 services the person will receive in accordance with RCW 71.05.585,
18 and must include a requirement that the person cooperate with the
19 services planned by the (~~mental~~) behavioral health service
20 provider.

21 (4) The person shall be released from involuntary treatment at
22 the expiration of the period of commitment imposed under subsection
23 (1) or (2) of this section unless the superintendent or professional
24 person in charge of the facility in which he or she is confined, or
25 in the event of a less restrictive alternative, the designated crisis
26 responder, files a new petition for involuntary treatment on the
27 grounds that the committed person:

28 (a) During the current period of court ordered treatment: (i) Has
29 threatened, attempted, or inflicted physical harm upon the person of
30 another, or substantial damage upon the property of another, and (ii)
31 as a result of a (~~mental disorder, substance use~~) behavioral health
32 disorder(~~(7)~~) or developmental disability presents a likelihood of
33 serious harm; or

34 (b) Was taken into custody as a result of conduct in which he or
35 she attempted or inflicted serious physical harm upon the person of
36 another, and continues to present, as a result of (~~mental disorder,~~
37 ~~substance use~~) a behavioral health disorder(~~(7)~~) or developmental
38 disability, a likelihood of serious harm; or

39 (c) (i) Is in custody pursuant to RCW 71.05.280(3) and as a result
40 of (~~mental~~) a behavioral health disorder or developmental

1 disability continues to present a substantial likelihood of repeating
2 acts similar to the charged criminal behavior, when considering the
3 person's life history, progress in treatment, and the public safety.

4 (ii) In cases under this subsection where the court has made an
5 affirmative special finding under RCW 71.05.280(3)(b), the commitment
6 shall continue for up to an additional one hundred eighty-day period
7 whenever the petition presents prima facie evidence that the person
8 continues to suffer from a (~~mental~~) behavioral health disorder or
9 developmental disability that results in a substantial likelihood of
10 committing acts similar to the charged criminal behavior, unless the
11 person presents proof through an admissible expert opinion that the
12 person's condition has so changed such that the (~~mental~~) behavioral
13 health disorder or developmental disability no longer presents a
14 substantial likelihood of the person committing acts similar to the
15 charged criminal behavior. The initial or additional commitment
16 period may include transfer to a specialized program of intensive
17 support and treatment, which may be initiated prior to or after
18 discharge from the state hospital; or

19 (d) Continues to be gravely disabled; or

20 (e) Is in need of assisted outpatient (~~mental~~) behavioral
21 health treatment.

22 If the conduct required to be proven in (b) and (c) of this
23 subsection was found by a judge or jury in a prior trial under this
24 chapter, it shall not be necessary to prove such conduct again.

25 If less restrictive alternative treatment is sought, the petition
26 shall set forth any recommendations for less restrictive alternative
27 treatment services.

28 (5) A new petition for involuntary treatment filed under
29 subsection (4) of this section shall be filed and heard in the
30 superior court of the county of the facility which is filing the new
31 petition for involuntary treatment unless good cause is shown for a
32 change of venue. The cost of the proceedings shall be borne by the
33 state.

34 (6)(a) The hearing shall be held as provided in RCW 71.05.310,
35 and if the court or jury finds that the grounds for additional
36 confinement as set forth in this section are present, the court may
37 order the committed person returned for an additional period of
38 treatment not to exceed one hundred eighty days from the date of
39 judgment, except as provided in subsection (7) of this section. If
40 the court's order is based solely on the grounds identified in

1 subsection (4)(e) of this section, the court may enter an order for
2 less restrictive alternative treatment not to exceed one hundred
3 eighty days from the date of judgment, and may not enter an order for
4 inpatient treatment. An order for less restrictive alternative
5 treatment must name the (~~mental~~) behavioral health service provider
6 responsible for identifying the services the person will receive in
7 accordance with RCW 71.05.585, and must include a requirement that
8 the person cooperate with the services planned by the (~~mental~~)
9 behavioral health service provider.

10 (b) At the end of the one hundred eighty-day period of
11 commitment, or one-year period of commitment if subsection (7) of
12 this section applies, the committed person shall be released unless a
13 petition for an additional one hundred eighty-day period of continued
14 treatment is filed and heard in the same manner as provided in this
15 section. Successive one hundred eighty-day commitments are
16 permissible on the same grounds and pursuant to the same procedures
17 as the original one hundred eighty-day commitment.

18 (7) An order for less restrictive treatment entered under
19 subsection (6) of this section may be for up to one year when the
20 person's previous commitment term was for intensive inpatient
21 treatment in a state hospital.

22 (8) No person committed as provided in this section may be
23 detained unless a valid order of commitment is in effect. No order of
24 commitment can exceed one hundred eighty days in length except as
25 provided in subsection (7) of this section.

26 **Sec. 46.** RCW 71.05.380 and 2016 sp.s. c 29 s 245 are each
27 amended to read as follows:

28 All persons voluntarily entering or remaining in any facility,
29 institution, or hospital providing evaluation and treatment for
30 (~~mental disorders or substance use~~) behavioral health disorders
31 shall have no less than all rights secured to involuntarily detained
32 persons by RCW (~~71.05.360 and~~) 71.05.217.

33 **Sec. 47.** RCW 71.05.445 and 2019 c 325 s 3009 are each amended to
34 read as follows:

35 (1)(a) When a (~~mental~~) behavioral health service provider
36 conducts its initial assessment for a person receiving court-ordered
37 treatment, the service provider shall inquire and shall be told by

1 the offender whether he or she is subject to supervision by the
2 department of corrections.

3 (b) When a person receiving court-ordered treatment or treatment
4 ordered by the department of corrections discloses to his or her
5 (~~mental~~) behavioral health service provider that he or she is
6 subject to supervision by the department of corrections, the
7 (~~mental~~) behavioral health service provider shall notify the
8 department of corrections that he or she is treating the offender and
9 shall notify the offender that his or her community corrections
10 officer will be notified of the treatment, provided that if the
11 offender has received relief from disclosure pursuant to RCW
12 9.94A.562 or 71.05.132 and the offender has provided the (~~mental~~)
13 behavioral health service provider with a copy of the order granting
14 relief from disclosure pursuant to RCW 9.94A.562 or 71.05.132, the
15 (~~mental~~) behavioral health service provider is not required to
16 notify the department of corrections that the (~~mental~~) behavioral
17 health service provider is treating the offender. The notification
18 may be written or oral and shall not require the consent of the
19 offender. If an oral notification is made, it must be confirmed by a
20 written notification. For purposes of this section, a written
21 notification includes notification by email or facsimile, so long as
22 the notifying (~~mental~~) behavioral health service provider is
23 clearly identified.

24 (2) The information to be released to the department of
25 corrections shall include all relevant records and reports, as
26 defined by rule, necessary for the department of corrections to carry
27 out its duties.

28 (3) The authority and the department of corrections, in
29 consultation with behavioral health administrative services
30 organizations, managed care organizations, (~~mental~~) behavioral
31 health service providers as defined in RCW 71.05.020, (~~mental~~)
32 behavioral health consumers, and advocates for persons with (~~mental~~
33 ~~illness~~) behavioral health disorders, shall adopt rules to implement
34 the provisions of this section related to the type and scope of
35 information to be released. These rules shall:

36 (a) Enhance and facilitate the ability of the department of
37 corrections to carry out its responsibility of planning and ensuring
38 community protection with respect to persons subject to sentencing
39 under chapter 9.94A or 9.95 RCW, including accessing and releasing or

1 disclosing information of persons who received (~~mental~~) behavioral
2 health services as a minor; and

3 (b) Establish requirements for the notification of persons under
4 the supervision of the department of corrections regarding the
5 provisions of this section.

6 (4) The information received by the department of corrections
7 under this section shall remain confidential and subject to the
8 limitations on disclosure outlined in this chapter, except as
9 provided in RCW 72.09.585.

10 (5) No (~~mental~~) behavioral health service provider or
11 individual employed by a (~~mental~~) behavioral health service
12 provider shall be held responsible for information released to or
13 used by the department of corrections under the provisions of this
14 section or rules adopted under this section.

15 (6) Whenever federal law or federal regulations restrict the
16 release of information and records related to (~~mental~~) behavioral
17 health services for any patient who receives treatment for alcoholism
18 or drug dependency, the release of the information may be restricted
19 as necessary to comply with federal law and regulations.

20 (7) This section does not modify the terms and conditions of
21 disclosure of information related to sexually transmitted diseases
22 under chapter 70.24 RCW.

23 (8) The authority shall, subject to available resources,
24 electronically, or by the most cost-effective means available,
25 provide the department of corrections with the names, last dates of
26 services, and addresses of specific behavioral health administrative
27 services organizations, managed care organizations, and (~~mental~~)
28 behavioral health service providers that delivered (~~mental~~)
29 behavioral health services to a person subject to chapter 9.94A or
30 9.95 RCW pursuant to an agreement between the authority and the
31 department of corrections.

32 **Sec. 48.** RCW 71.05.455 and 2016 c 158 s 2 are each amended to
33 read as follows:

34 When funded, the Washington association of sheriffs and police
35 chiefs, in consultation with the criminal justice training
36 commission, must develop and adopt a model policy for use by law
37 enforcement agencies relating to a law enforcement officer's referral
38 of a person to a (~~mental~~) behavioral health agency after receiving
39 a report of threatened or attempted suicide. The model policy must

1 complement the criminal justice training commission's crisis
2 intervention training curriculum.

3 **Sec. 49.** RCW 71.05.457 and 2016 c 158 s 3 are each amended to
4 read as follows:

5 By July 1, 2017, all general authority Washington law enforcement
6 agencies must adopt a policy establishing criteria and procedures for
7 a law enforcement officer to refer a person to a (~~mental~~)
8 behavioral health agency after receiving a report of threatened or
9 attempted suicide.

10 **Sec. 50.** RCW 71.05.525 and 2018 c 201 s 3024 are each amended to
11 read as follows:

12 When, in the judgment of the department of social and health
13 services, the welfare of any person committed to or confined in any
14 state juvenile correctional institution or facility necessitates that
15 such a person be transferred or moved for observation, diagnosis or
16 treatment to any state institution or facility for the care of
17 juveniles with (~~mental illness~~) behavioral health disorders the
18 secretary of the department of social and health services, or his or
19 her designee, is authorized to order and effect such move or
20 transfer: PROVIDED, HOWEVER, That the secretary of the department of
21 social and health services shall adopt and implement procedures to
22 assure that persons so transferred shall, while detained or confined
23 in such institution or facility for the care of juveniles with
24 (~~mental illness~~) behavioral health disorders, be provided with
25 substantially similar opportunities for parole or early release
26 evaluation and determination as persons detained or confined in state
27 juvenile correctional institutions or facilities: PROVIDED, FURTHER,
28 That the secretary of the department of social and health services
29 shall notify the original committing court of such transfer.

30 **Sec. 51.** RCW 71.05.530 and 2016 sp.s. c 29 s 247 are each
31 amended to read as follows:

32 Evaluation and treatment facilities and secure (~~detoxification~~)
33 withdrawal management and stabilization facilities authorized
34 pursuant to this chapter may be part of the comprehensive community
35 (~~mental~~) behavioral health services program conducted in counties
36 pursuant to chapter 71.24 RCW, and may receive funding pursuant to
37 the provisions thereof.

1 **Sec. 52.** RCW 71.05.585 and 2018 c 291 s 2 are each amended to
2 read as follows:

3 (1) Less restrictive alternative treatment, at a minimum,
4 includes the following services:

5 (a) Assignment of a care coordinator;

6 (b) An intake evaluation with the provider of the less
7 restrictive alternative treatment;

8 (c) A psychiatric evaluation;

9 (d) A schedule of regular contacts with the provider of the less
10 restrictive alternative treatment services for the duration of the
11 order;

12 (e) A transition plan addressing access to continued services at
13 the expiration of the order;

14 (f) An individual crisis plan; and

15 (g) Notification to the care coordinator assigned in (a) of this
16 subsection if reasonable efforts to engage the client fail to produce
17 substantial compliance with court-ordered treatment conditions.

18 (2) Less restrictive alternative treatment may additionally
19 include requirements to participate in the following services:

20 (a) Medication management;

21 (b) Psychotherapy;

22 (c) Nursing;

23 (d) Substance abuse counseling;

24 (e) Residential treatment; and

25 (f) Support for housing, benefits, education, and employment.

26 (3) If the person was provided with involuntary medication under
27 RCW 71.05.215 or pursuant to a judicial order during the involuntary
28 commitment period, the less restrictive alternative treatment order
29 may authorize the less restrictive alternative treatment provider or
30 its designee to administer involuntary antipsychotic medication to
31 the person if the provider has attempted and failed to obtain the
32 informed consent of the person and there is a concurring medical
33 opinion approving the medication by a psychiatrist, physician
34 assistant working with a supervising psychiatrist, psychiatric
35 advanced registered nurse practitioner, or physician or physician
36 assistant in consultation with an independent mental health
37 professional with prescribing authority.

38 (4) Less restrictive alternative treatment must be administered
39 by a provider that is certified or licensed to provide or coordinate

1 the full scope of services required under the less restrictive
2 alternative order and that has agreed to assume this responsibility.

3 ~~((4))~~ (5) The care coordinator assigned to a person ordered to
4 less restrictive alternative treatment must submit an individualized
5 plan for the person's treatment services to the court that entered
6 the order. An initial plan must be submitted as soon as possible
7 following the intake evaluation and a revised plan must be submitted
8 upon any subsequent modification in which a type of service is
9 removed from or added to the treatment plan.

10 ~~((5))~~ (6) For the purpose of this section, "care coordinator"
11 means a clinical practitioner who coordinates the activities of less
12 restrictive alternative treatment. The care coordinator coordinates
13 activities with the designated crisis responders that are necessary
14 for enforcement and continuation of less restrictive alternative
15 orders and is responsible for coordinating service activities with
16 other agencies and establishing and maintaining a therapeutic
17 relationship with the individual on a continuing basis.

18 **Sec. 53.** RCW 71.05.590 and 2019 c 446 s 14 are each amended to
19 read as follows:

20 (1) Either an agency or facility designated to monitor or provide
21 services under a less restrictive alternative order or conditional
22 release order, or a designated crisis responder, may take action to
23 enforce, modify, or revoke a less restrictive alternative or
24 conditional release order. The agency, facility, or designated crisis
25 responder must determine that:

26 (a) The person is failing to adhere to the terms and conditions
27 of the court order;

28 (b) Substantial deterioration in the person's functioning has
29 occurred;

30 (c) There is evidence of substantial decompensation with a
31 reasonable probability that the decompensation can be reversed by
32 further evaluation, intervention, or treatment; or

33 (d) The person poses a likelihood of serious harm.

34 (2) Actions taken under this section must include a flexible
35 range of responses of varying levels of intensity appropriate to the
36 circumstances and consistent with the interests of the individual and
37 the public in personal autonomy, safety, recovery, and compliance.
38 Available actions may include, but are not limited to, any of the
39 following:

1 (a) To counsel or advise the person as to their rights and
2 responsibilities under the court order, and to offer appropriate
3 incentives to motivate compliance;

4 (b) To increase the intensity of outpatient services provided to
5 the person by increasing the frequency of contacts with the provider,
6 referring the person for an assessment for assertive community
7 services, or by other means;

8 (c) To request a court hearing for review and modification of the
9 court order. The request must be made to or by the court with
10 jurisdiction over the order and specify the circumstances that give
11 rise to the request and what modification is being sought. The county
12 prosecutor shall assist the agency or facility in requesting this
13 hearing and issuing an appropriate summons to the person. This
14 subsection does not limit the inherent authority of a treatment
15 provider to alter conditions of treatment for clinical reasons, and
16 is intended to be used only when court intervention is necessary or
17 advisable to secure the person's compliance and prevent
18 decompensation or deterioration;

19 (d) To cause the person to be transported by a peace officer,
20 designated crisis responder, or other means to the agency or facility
21 monitoring or providing services under the court order, or to a
22 triage facility, crisis stabilization unit, emergency department,
23 ~~((or to an))~~ evaluation and treatment facility ~~((if the person is
24 committed for mental health treatment))~~, ~~((or to a))~~ secure
25 withdrawal management and stabilization facility with available
26 space, or an approved substance use disorder treatment program with
27 available space ~~((if the person is committed for substance use
28 disorder treatment))~~. The person may be detained at the facility for
29 up to twelve hours for the purpose of an evaluation to determine
30 whether modification, revocation, or commitment proceedings are
31 necessary and appropriate to stabilize the person and prevent
32 decompensation, deterioration, or physical harm. Temporary detention
33 for evaluation under this subsection is intended to occur only
34 following a pattern of noncompliance or the failure of reasonable
35 attempts at outreach and engagement, and may occur only when in the
36 clinical judgment of a designated crisis responder or the
37 professional person in charge of an agency or facility designated to
38 monitor less restrictive alternative services temporary detention is
39 appropriate. This subsection does not limit the ability or obligation

1 to pursue revocation procedures under subsection (4) of this section
2 in appropriate circumstances; and

3 (e) To initiate revocation procedures under subsection (4) of
4 this section or, if the current commitment is solely based on the
5 person being in need of assisted outpatient behavioral health
6 treatment as defined in RCW 71.05.020, initiate initial inpatient
7 detention procedures under subsection (6) of this section.

8 (3) The facility or agency designated to provide outpatient
9 treatment shall notify the secretary of the department of social and
10 health services or designated crisis responder when a person fails to
11 adhere to terms and conditions of court ordered treatment or
12 experiences substantial deterioration in his or her condition and, as
13 a result, presents an increased likelihood of serious harm.

14 (4) (a) Except as provided in subsection (6) of this section, a
15 designated crisis responder or the secretary of the department of
16 social and health services may upon their own motion or notification
17 by the facility or agency designated to provide outpatient care order
18 a person subject to a court order under this chapter to be
19 apprehended and taken into custody and temporary detention in an
20 evaluation and treatment facility (~~((in or near the county in which he
21 or she is receiving outpatient treatment if the person is committed
22 for mental health treatment, or, if the person is committed for
23 substance use disorder treatment, in a)),~~ an available secure
24 withdrawal management and stabilization facility with adequate space,
25 or an available approved substance use disorder treatment program
26 (~~((if either is available))~~ with adequate space, in or near the county
27 in which he or she is receiving outpatient treatment (~~(and has
28 adequate space)~~). Proceedings under this subsection (4) may be
29 initiated without ordering the apprehension and detention of the
30 person.

31 (b) Except as provided in subsection (6) of this section, a
32 person detained under this subsection (4) must be held until such
33 time, not exceeding five days, as a hearing can be scheduled to
34 determine whether or not the person should be returned to the
35 hospital or facility from which he or she had been released. If the
36 person is not detained, the hearing must be scheduled within five
37 days of service on the person. The designated crisis responder or the
38 secretary of the department of social and health services may modify
39 or rescind the order at any time prior to commencement of the court
40 hearing.

1 (c) The designated crisis responder or secretary of the
2 department of social and health services shall file a revocation
3 petition and order of apprehension and detention with the court of
4 the county where the person is currently located or being detained.
5 The designated crisis responder shall serve the person and their
6 attorney, guardian, and conservator, if any. The person has the same
7 rights with respect to notice, hearing, and counsel as in any
8 involuntary treatment proceeding, except as specifically set forth in
9 this section. There is no right to jury trial. The venue for
10 proceedings is the county where the petition is filed. Notice of the
11 filing must be provided to the court that originally ordered
12 commitment, if different from the court where the petition for
13 revocation is filed, within two judicial days of the person's
14 detention.

15 (d) Except as provided in subsection (6) of this section, the
16 issues for the court to determine are whether: (i) The person adhered
17 to the terms and conditions of the court order; (ii) substantial
18 deterioration in the person's functioning has occurred; (iii) there
19 is evidence of substantial decompensation with a reasonable
20 probability that the decompensation can be reversed by further
21 inpatient treatment; or (iv) there is a likelihood of serious harm;
22 and, if any of the above conditions apply, whether the court should
23 reinstate or modify the person's less restrictive alternative or
24 conditional release order or order the person's detention for
25 inpatient treatment. The person may waive the court hearing and allow
26 the court to enter a stipulated order upon the agreement of all
27 parties. If the court orders detention for inpatient treatment, the
28 treatment period (~~(may be for no longer than the period)~~) must be for
29 fourteen days from the revocation hearing if the outpatient order was
30 based on a petition under RCW 71.05.160 or 71.05.230. If the court
31 orders detention for inpatient treatment and the outpatient order was
32 based on a petition under RCW 71.05.290 or 71.05.320, the number of
33 days remaining on the outpatient order must be converted to days of
34 inpatient treatment authorized in the original court order. A court
35 may not issue an order to detain a person for inpatient treatment in
36 a secure withdrawal management and stabilization facility or approved
37 substance use disorder treatment program under this subsection unless
38 there is a secure withdrawal management and stabilization facility or
39 approved substance use disorder treatment program available and with
40 adequate space for the person.

1 (5) In determining whether or not to take action under this
2 section the designated crisis responder, agency, or facility must
3 consider the factors specified under RCW 71.05.212 and the court must
4 consider the factors specified under RCW 71.05.245 as they apply to
5 the question of whether to enforce, modify, or revoke a court order
6 for involuntary treatment.

7 (6) (a) If the current commitment is solely based on the person
8 being in need of assisted outpatient behavioral health treatment as
9 defined in RCW 71.05.020, a designated crisis responder may initiate
10 inpatient detention procedures under RCW 71.05.150 or 71.05.153 when
11 appropriate. A designated crisis responder or the secretary may, upon
12 their own motion or notification by the facility or agency designated
13 to provide outpatient care to a person subject to a less restrictive
14 alternative treatment order under RCW 71.05.320 subsequent to an
15 order for assisted outpatient behavioral health treatment entered
16 under RCW 71.05.148, order the person to be apprehended and taken
17 into custody and temporary detention for inpatient evaluation in an
18 evaluation and treatment facility (~~in or near the county in which he~~
19 ~~or she is receiving outpatient treatment if the person is committed~~
20 ~~for mental health treatment, or, if the person is committed for~~
21 ~~substance use disorder treatment, in a)), secure withdrawal
22 management and stabilization facility, or in an approved substance
23 use disorder treatment program (~~if either is available~~), in or near
24 the county in which he or she is receiving outpatient treatment.
25 Proceedings under this subsection may be initiated without ordering
26 the apprehension and detention of the person.~~

27 (b) A person detained under this subsection may be held for
28 evaluation for up to seventy-two hours, excluding weekends and
29 holidays, pending a court hearing. If the person is not detained, the
30 hearing must be scheduled within seventy-two hours of service on the
31 person. The designated crisis responder or the secretary may modify
32 or rescind the order at any time prior to commencement of the court
33 hearing.

34 (c) The issues for the court to determine are whether to continue
35 the detention of the person for inpatient treatment or whether the
36 court should reinstate or modify the person's less restrictive
37 alternative order or order the person's detention for inpatient
38 treatment. To continue detention after the seventy-two hour period,
39 the court must find that the person, as a result of a (~~mental~~
40 ~~disorder or substance use~~) behavioral health disorder, presents a

1 likelihood of serious harm or is gravely disabled and, after
2 considering less restrictive alternatives to involuntary detention
3 and treatment, that no such alternatives are in the best interest of
4 the person or others.

5 (d) A court may not issue an order to detain a person for
6 inpatient treatment in a secure withdrawal management and
7 stabilization facility or approved substance use disorder program
8 under this subsection unless there is a secure withdrawal management
9 and stabilization facility or approved substance use disorder
10 treatment program available and with adequate space for the person.

11 **Sec. 54.** RCW 71.05.590 and 2019 c 446 s 14 are each amended to
12 read as follows:

13 (1) Either an agency or facility designated to monitor or provide
14 services under a less restrictive alternative order or conditional
15 release order, or a designated crisis responder, may take action to
16 enforce, modify, or revoke a less restrictive alternative or
17 conditional release order. The agency, facility, or designated crisis
18 responder must determine that:

19 (a) The person is failing to adhere to the terms and conditions
20 of the court order;

21 (b) Substantial deterioration in the person's functioning has
22 occurred;

23 (c) There is evidence of substantial decompensation with a
24 reasonable probability that the decompensation can be reversed by
25 further evaluation, intervention, or treatment; or

26 (d) The person poses a likelihood of serious harm.

27 (2) Actions taken under this section must include a flexible
28 range of responses of varying levels of intensity appropriate to the
29 circumstances and consistent with the interests of the individual and
30 the public in personal autonomy, safety, recovery, and compliance.
31 Available actions may include, but are not limited to, any of the
32 following:

33 (a) To counsel or advise the person as to their rights and
34 responsibilities under the court order, and to offer appropriate
35 incentives to motivate compliance;

36 (b) To increase the intensity of outpatient services provided to
37 the person by increasing the frequency of contacts with the provider,
38 referring the person for an assessment for assertive community
39 services, or by other means;

1 (c) To request a court hearing for review and modification of the
2 court order. The request must be made to or by the court with
3 jurisdiction over the order and specify the circumstances that give
4 rise to the request and what modification is being sought. The county
5 prosecutor shall assist the agency or facility in requesting this
6 hearing and issuing an appropriate summons to the person. This
7 subsection does not limit the inherent authority of a treatment
8 provider to alter conditions of treatment for clinical reasons, and
9 is intended to be used only when court intervention is necessary or
10 advisable to secure the person's compliance and prevent
11 decompensation or deterioration;

12 (d) To cause the person to be transported by a peace officer,
13 designated crisis responder, or other means to the agency or facility
14 monitoring or providing services under the court order, or to a
15 triage facility, crisis stabilization unit, emergency department,
16 ~~((or to an))~~ evaluation and treatment facility ~~((if the person is~~
17 ~~committed for mental health treatment))~~, ~~((or to a))~~ secure
18 withdrawal management and stabilization facility with available
19 space, or an approved substance use disorder treatment program with
20 available space ~~((if the person is committed for substance use~~
21 ~~disorder treatment))~~. The person may be detained at the facility for
22 up to twelve hours for the purpose of an evaluation to determine
23 whether modification, revocation, or commitment proceedings are
24 necessary and appropriate to stabilize the person and prevent
25 decompensation, deterioration, or physical harm. Temporary detention
26 for evaluation under this subsection is intended to occur only
27 following a pattern of noncompliance or the failure of reasonable
28 attempts at outreach and engagement, and may occur only when in the
29 clinical judgment of a designated crisis responder or the
30 professional person in charge of an agency or facility designated to
31 monitor less restrictive alternative services temporary detention is
32 appropriate. This subsection does not limit the ability or obligation
33 to pursue revocation procedures under subsection (4) of this section
34 in appropriate circumstances; and

35 (e) To initiate revocation procedures under subsection (4) of
36 this section or, if the current commitment is solely based on the
37 person being in need of assisted outpatient behavioral health
38 treatment as defined in RCW 71.05.020, initiate initial inpatient
39 detention procedures under subsection (6) of this section.

1 (3) The facility or agency designated to provide outpatient
2 treatment shall notify the secretary of the department of social and
3 health services or designated crisis responder when a person fails to
4 adhere to terms and conditions of court ordered treatment or
5 experiences substantial deterioration in his or her condition and, as
6 a result, presents an increased likelihood of serious harm.

7 (4) (a) Except as provided in subsection (6) of this section, a
8 designated crisis responder or the secretary of the department of
9 social and health services may upon their own motion or notification
10 by the facility or agency designated to provide outpatient care order
11 a person subject to a court order under this chapter to be
12 apprehended and taken into custody and temporary detention in an
13 evaluation and treatment facility (~~(in or near the county in which he~~
14 ~~or she is receiving outpatient treatment if the person is committed~~
15 ~~for mental health treatment, or, if the person is committed for~~
16 ~~substance use disorder treatment, in a)), an available secure
17 withdrawal management and stabilization facility with adequate space,
18 or an available approved substance use disorder treatment program
19 (~~(if either is available)~~) with adequate space, in or near the county
20 in which he or she is receiving outpatient treatment (~~(and has~~
21 ~~adequate space)~~). Proceedings under this subsection (4) may be
22 initiated without ordering the apprehension and detention of the
23 person.~~

24 (b) Except as provided in subsection (6) of this section, a
25 person detained under this subsection (4) must be held until such
26 time, not exceeding five days, as a hearing can be scheduled to
27 determine whether or not the person should be returned to the
28 hospital or facility from which he or she had been released. If the
29 person is not detained, the hearing must be scheduled within five
30 days of service on the person. The designated crisis responder or the
31 secretary of the department of social and health services may modify
32 or rescind the order at any time prior to commencement of the court
33 hearing.

34 (c) The designated crisis responder or secretary of the
35 department of social and health services shall file a revocation
36 petition and order of apprehension and detention with the court of
37 the county where the person is currently located or being detained.
38 The designated crisis responder shall serve the person and their
39 attorney, guardian, and conservator, if any. The person has the same
40 rights with respect to notice, hearing, and counsel as in any

1 involuntary treatment proceeding, except as specifically set forth in
2 this section. There is no right to jury trial. The venue for
3 proceedings is the county where the petition is filed. Notice of the
4 filing must be provided to the court that originally ordered
5 commitment, if different from the court where the petition for
6 revocation is filed, within two judicial days of the person's
7 detention.

8 (d) Except as provided in subsection (6) of this section, the
9 issues for the court to determine are whether: (i) The person adhered
10 to the terms and conditions of the court order; (ii) substantial
11 deterioration in the person's functioning has occurred; (iii) there
12 is evidence of substantial decompensation with a reasonable
13 probability that the decompensation can be reversed by further
14 inpatient treatment; or (iv) there is a likelihood of serious harm;
15 and, if any of the above conditions apply, whether the court should
16 reinstate or modify the person's less restrictive alternative or
17 conditional release order or order the person's detention for
18 inpatient treatment. The person may waive the court hearing and allow
19 the court to enter a stipulated order upon the agreement of all
20 parties. If the court orders detention for inpatient treatment, the
21 treatment period (~~may be for no longer than the period~~) must be for
22 fourteen days from the revocation hearing if the outpatient order was
23 based on a petition under RCW 71.05.160 or 71.05.230. If the court
24 orders detention for inpatient treatment and the outpatient order was
25 based on a petition under RCW 71.05.290 or 71.05.320, the number of
26 days remaining on the outpatient order must be converted to days of
27 inpatient treatment authorized in the original court order. A court
28 may not issue an order to detain a person for inpatient treatment in
29 a secure withdrawal management and stabilization facility or approved
30 substance use disorder treatment program under this subsection unless
31 there is a secure withdrawal management and stabilization facility or
32 approved substance use disorder treatment program available and with
33 adequate space for the person.

34 (5) In determining whether or not to take action under this
35 section the designated crisis responder, agency, or facility must
36 consider the factors specified under RCW 71.05.212 and the court must
37 consider the factors specified under RCW 71.05.245 as they apply to
38 the question of whether to enforce, modify, or revoke a court order
39 for involuntary treatment.

1 (6) (a) If the current commitment is solely based on the person
2 being in need of assisted outpatient behavioral health treatment as
3 defined in RCW 71.05.020, a designated crisis responder may initiate
4 inpatient detention procedures under RCW 71.05.150 or 71.05.153 when
5 appropriate. A designated crisis responder or the secretary may, upon
6 their own motion or notification by the facility or agency designated
7 to provide outpatient care to a person subject to a less restrictive
8 alternative treatment order under RCW 71.05.320 subsequent to an
9 order for assisted outpatient behavioral health treatment entered
10 under RCW 71.05.148, order the person to be apprehended and taken
11 into custody and temporary detention for inpatient evaluation in an
12 evaluation and treatment facility (~~(in or near the county in which he~~
13 ~~or she is receiving outpatient treatment if the person is committed~~
14 ~~for mental health treatment, or, if the person is committed for~~
15 ~~substance use disorder treatment, in a)~~, secure withdrawal
16 management and stabilization facility, or in an approved substance
17 use disorder treatment program (~~(if either is available)~~), in or near
18 the county in which he or she is receiving outpatient treatment.
19 Proceedings under this subsection may be initiated without ordering
20 the apprehension and detention of the person.

21 (b) A person detained under this subsection may be held for
22 evaluation for up to (~~(seventy-two))~~ one hundred twenty hours,
23 excluding weekends and holidays, pending a court hearing. If the
24 person is not detained, the hearing must be scheduled within
25 (~~(seventy-two))~~ one hundred twenty hours of service on the person.
26 The designated crisis responder or the secretary may modify or
27 rescind the order at any time prior to commencement of the court
28 hearing.

29 (c) The issues for the court to determine are whether to continue
30 the detention of the person for inpatient treatment or whether the
31 court should reinstate or modify the person's less restrictive
32 alternative order or order the person's detention for inpatient
33 treatment. To continue detention after the (~~(seventy-two))~~ one
34 hundred twenty hour period, the court must find that the person, as a
35 result of a (~~(mental disorder or substance use)~~) behavioral health
36 disorder, presents a likelihood of serious harm or is gravely
37 disabled and, after considering less restrictive alternatives to
38 involuntary detention and treatment, that no such alternatives are in
39 the best interest of the person or others.

1 (d) A court may not issue an order to detain a person for
2 inpatient treatment in a secure withdrawal management and
3 stabilization facility or approved substance use disorder program
4 under this subsection unless there is a secure withdrawal management
5 and stabilization facility or approved substance use disorder
6 treatment program available and with adequate space for the person.

7 **Sec. 55.** RCW 71.05.590 and 2019 c 446 s 15 are each amended to
8 read as follows:

9 (1) Either an agency or facility designated to monitor or provide
10 services under a less restrictive alternative order or conditional
11 release order, or a designated crisis responder, may take action to
12 enforce, modify, or revoke a less restrictive alternative or
13 conditional release order. The agency, facility, or designated crisis
14 responder must determine that:

15 (a) The person is failing to adhere to the terms and conditions
16 of the court order;

17 (b) Substantial deterioration in the person's functioning has
18 occurred;

19 (c) There is evidence of substantial decompensation with a
20 reasonable probability that the decompensation can be reversed by
21 further evaluation, intervention, or treatment; or

22 (d) The person poses a likelihood of serious harm.

23 (2) Actions taken under this section must include a flexible
24 range of responses of varying levels of intensity appropriate to the
25 circumstances and consistent with the interests of the individual and
26 the public in personal autonomy, safety, recovery, and compliance.
27 Available actions may include, but are not limited to, any of the
28 following:

29 (a) To counsel or advise the person as to their rights and
30 responsibilities under the court order, and to offer appropriate
31 incentives to motivate compliance;

32 (b) To increase the intensity of outpatient services provided to
33 the person by increasing the frequency of contacts with the provider,
34 referring the person for an assessment for assertive community
35 services, or by other means;

36 (c) To request a court hearing for review and modification of the
37 court order. The request must be made to or by the court with
38 jurisdiction over the order and specify the circumstances that give
39 rise to the request and what modification is being sought. The county

1 prosecutor shall assist the agency or facility in requesting this
2 hearing and issuing an appropriate summons to the person. This
3 subsection does not limit the inherent authority of a treatment
4 provider to alter conditions of treatment for clinical reasons, and
5 is intended to be used only when court intervention is necessary or
6 advisable to secure the person's compliance and prevent
7 decompensation or deterioration;

8 (d) To cause the person to be transported by a peace officer,
9 designated crisis responder, or other means to the agency or facility
10 monitoring or providing services under the court order, or to a
11 triage facility, crisis stabilization unit, emergency department,
12 ~~((or to an))~~ evaluation and treatment facility ~~((if the person is~~
13 ~~committed for mental health treatment))~~, ~~((or to a))~~ secure
14 withdrawal management and stabilization facility, or an approved
15 substance use disorder treatment program ~~((if the person is committed~~
16 ~~for substance use disorder treatment))~~. The person may be detained at
17 the facility for up to twelve hours for the purpose of an evaluation
18 to determine whether modification, revocation, or commitment
19 proceedings are necessary and appropriate to stabilize the person and
20 prevent decompensation, deterioration, or physical harm. Temporary
21 detention for evaluation under this subsection is intended to occur
22 only following a pattern of noncompliance or the failure of
23 reasonable attempts at outreach and engagement, and may occur only
24 when in the clinical judgment of a designated crisis responder or the
25 professional person in charge of an agency or facility designated to
26 monitor less restrictive alternative services temporary detention is
27 appropriate. This subsection does not limit the ability or obligation
28 to pursue revocation procedures under subsection (4) of this section
29 in appropriate circumstances; and

30 (e) To initiate revocation procedures under subsection (4) of
31 this section or, if the current commitment is solely based on the
32 person being in need of assisted outpatient behavioral health
33 treatment as defined in RCW 71.05.020, initial inpatient detention
34 procedures under subsection (6) of this section.

35 (3) The facility or agency designated to provide outpatient
36 treatment shall notify the secretary of the department of social and
37 health services or designated crisis responder when a person fails to
38 adhere to terms and conditions of court ordered treatment or
39 experiences substantial deterioration in his or her condition and, as
40 a result, presents an increased likelihood of serious harm.

1 (4) (a) Except as provided in subsection (6) of this section, a
2 designated crisis responder or the secretary of the department of
3 social and health services may upon their own motion or notification
4 by the facility or agency designated to provide outpatient care order
5 a person subject to a court order under this chapter to be
6 apprehended and taken into custody and temporary detention in an
7 evaluation and treatment facility (~~((in or near the county in which he
8 or she is receiving outpatient treatment if the person is committed
9 for mental health treatment, or, if the person is committed for
10 substance use disorder treatment))~~), in a secure withdrawal management
11 and stabilization facility, or in an approved substance use disorder
12 treatment program (~~((if either is available))~~), in or near the county
13 in which he or she is receiving outpatient treatment. Proceedings
14 under this subsection (4) may be initiated without ordering the
15 apprehension and detention of the person.

16 (b) Except as provided in subsection (6) of this section, a
17 person detained under this subsection (4) must be held until such
18 time, not exceeding five days, as a hearing can be scheduled to
19 determine whether or not the person should be returned to the
20 hospital or facility from which he or she had been released. If the
21 person is not detained, the hearing must be scheduled within five
22 days of service on the person. The designated crisis responder or the
23 secretary of the department of social and health services may modify
24 or rescind the order at any time prior to commencement of the court
25 hearing.

26 (c) The designated crisis responder or secretary of the
27 department of social and health services shall file a revocation
28 petition and order of apprehension and detention with the court of
29 the county where the person is currently located or being detained.
30 The designated crisis responder shall serve the person and their
31 attorney, guardian, and conservator, if any. The person has the same
32 rights with respect to notice, hearing, and counsel as in any
33 involuntary treatment proceeding, except as specifically set forth in
34 this section. There is no right to jury trial. The venue for
35 proceedings is the county where the petition is filed. Notice of the
36 filing must be provided to the court that originally ordered
37 commitment, if different from the court where the petition for
38 revocation is filed, within two judicial days of the person's
39 detention.

1 (d) Except as provided in subsection (6) of this section, the
2 issues for the court to determine are whether: (i) The person adhered
3 to the terms and conditions of the court order; (ii) substantial
4 deterioration in the person's functioning has occurred; (iii) there
5 is evidence of substantial decompensation with a reasonable
6 probability that the decompensation can be reversed by further
7 inpatient treatment; or (iv) there is a likelihood of serious harm;
8 and, if any of the above conditions apply, whether the court should
9 reinstate or modify the person's less restrictive alternative or
10 conditional release order or order the person's detention for
11 inpatient treatment. The person may waive the court hearing and allow
12 the court to enter a stipulated order upon the agreement of all
13 parties. If the court orders detention for inpatient treatment, the
14 treatment period (~~(may be for no longer than the period)~~) must be for
15 fourteen days from the revocation hearing if the outpatient order was
16 based on a petition under RCW 71.05.160 or 71.05.230. If the court
17 orders detention for inpatient treatment and the outpatient order was
18 based on a petition under RCW 71.05.290 or 71.05.320, the number of
19 days remaining on the outpatient order must be converted to days of
20 inpatient treatment authorized in the original court order.

21 (5) In determining whether or not to take action under this
22 section the designated crisis responder, agency, or facility must
23 consider the factors specified under RCW 71.05.212 and the court must
24 consider the factors specified under RCW 71.05.245 as they apply to
25 the question of whether to enforce, modify, or revoke a court order
26 for involuntary treatment.

27 (6) (a) If the current commitment is solely based on the person
28 being in need of assisted outpatient behavioral health treatment as
29 defined in RCW 71.05.020, a designated crisis responder may initiate
30 inpatient detention procedures under RCW 71.05.150 or 71.05.153 when
31 appropriate. A designated crisis responder or the secretary may, upon
32 their own motion or notification by the facility or agency designated
33 to provide outpatient care to a person subject to a less restrictive
34 alternative treatment order under RCW 71.05.320 subsequent to an
35 order for assisted outpatient behavioral health treatment entered
36 under RCW 71.05.148, order the person to be apprehended and taken
37 into custody and temporary detention for inpatient evaluation in an
38 evaluation and treatment facility (~~(in or near the county in which he~~
39 ~~or she is receiving outpatient treatment if the person is committed~~
40 ~~for mental health treatment, or, if the person is committed for~~

1 ~~substance use disorder treatment~~)), in a secure withdrawal management
2 and stabilization facility, or in an approved substance use disorder
3 ~~treatment program ((if either is available))~~, in or near the county
4 in which he or she is receiving outpatient treatment. Proceedings
5 under this subsection may be initiated without ordering the
6 apprehension and detention of the person.

7 (b) A person detained under this subsection may be held for
8 evaluation for up to ~~((seventy-two))~~ one hundred twenty hours,
9 excluding weekends and holidays, pending a court hearing. The
10 designated crisis responder or the secretary may modify or rescind
11 the order at any time prior to commencement of the court hearing.

12 (c) The issues for the court to determine are whether to continue
13 the detention of the person for inpatient treatment or whether the
14 court should reinstate or modify the person's less restrictive
15 alternative order or order the person's detention for inpatient
16 treatment. To continue detention after the ~~((seventy-two))~~ one
17 hundred twenty hour period, the court must find that the person, as a
18 result of a ~~((mental disorder or substance use))~~ behavioral health
19 disorder, presents a likelihood of serious harm or is gravely
20 disabled and, after considering less restrictive alternatives to
21 involuntary detention and treatment, that no such alternatives are in
22 the best interest of the person or others.

23 ~~((d) A court may not issue an order to detain a person for~~
24 ~~inpatient treatment in a secure withdrawal management and~~
25 ~~stabilization facility or approved substance use disorder program~~
26 ~~under this subsection unless there is a secure withdrawal management~~
27 ~~and stabilization facility or approved substance use disorder~~
28 ~~treatment program available and with adequate space for the person.))~~

29 **Sec. 56.** RCW 71.05.720 and 2018 c 201 s 3029 are each amended to
30 read as follows:

31 Annually, all community mental health employees who work directly
32 with clients shall be provided with training on safety and violence
33 prevention topics described in RCW 49.19.030. The curriculum for the
34 training shall be developed collaboratively among the authority, the
35 department, contracted ~~((mental))~~ behavioral health service
36 providers, and employee organizations that represent community mental
37 health workers.

1 **Sec. 57.** RCW 71.05.740 and 2019 c 325 s 3012 are each amended to
2 read as follows:

3 All behavioral health administrative services organizations in
4 the state of Washington must forward historical (~~mental~~) behavioral
5 health involuntary commitment information retained by the
6 organization, including identifying information and dates of
7 commitment to the authority. As soon as feasible, the behavioral
8 health administrative services organizations must arrange to report
9 new commitment data to the authority within twenty-four hours.
10 Commitment information under this section does not need to be resent
11 if it is already in the possession of the authority. Behavioral
12 health administrative services organizations and the authority shall
13 be immune from liability related to the sharing of commitment
14 information under this section.

15 **Sec. 58.** RCW 71.05.750 and 2019 c 325 s 3013 are each amended to
16 read as follows:

17 (1) A designated crisis responder shall make a report to the
18 authority when he or she determines a person meets detention criteria
19 under RCW 71.05.150, 71.05.153, 71.34.700, or 71.34.710 and there are
20 not any beds available at an evaluation and treatment facility, the
21 person has not been provisionally accepted for admission by a
22 facility, and the person cannot be served on a single bed
23 certification or less restrictive alternative. Starting at the time
24 when the designated crisis responder determines a person meets
25 detention criteria and the investigation has been completed, the
26 designated crisis responder has twenty-four hours to submit a
27 completed report to the authority.

28 (2) The report required under subsection (1) of this section must
29 contain at a minimum:

30 (a) The date and time that the investigation was completed;

31 (b) The identity of the responsible behavioral health
32 administrative services organization and managed care organization,
33 if applicable;

34 (c) The county in which the person met detention criteria;

35 (d) A list of facilities which refused to admit the person; and

36 (e) Identifying information for the person, including age or date
37 of birth.

38 (3) The authority shall develop a standardized reporting form or
39 modify the current form used for single bed certifications for the

1 report required under subsection (2) of this section and may require
2 additional reporting elements as it determines are necessary or
3 supportive. The authority shall also determine the method for the
4 transmission of the completed report from the designated crisis
5 responder to the authority.

6 (4) The authority shall create quarterly reports displayed on its
7 web site that summarize the information reported under subsection (2)
8 of this section. At a minimum, the reports must display data by
9 county and by month. The reports must also include the number of
10 single bed certifications granted by category. The categories must
11 include all of the reasons that the authority recognizes for issuing
12 a single bed certification, as identified in rule.

13 (5) The reports provided according to this section may not
14 display "protected health information" as that term is used in the
15 federal health insurance portability and accountability act of 1996,
16 nor information contained in "mental health treatment records" as
17 that term is used in chapter 70.02 RCW or elsewhere in state law, and
18 must otherwise be compliant with state and federal privacy laws.

19 (6) For purposes of this section, the term "single bed
20 certification" means a situation in which an adult on a (~~seventy-~~
21 ~~two~~) one hundred twenty hour detention, fourteen-day commitment,
22 ninety-day commitment, or one hundred eighty-day commitment is
23 detained to a facility that is:

24 (a) Not licensed or certified as an inpatient evaluation and
25 treatment facility; or

26 (b) A licensed or certified inpatient evaluation and treatment
27 facility that is already at capacity.

28 **Sec. 59.** RCW 9.41.047 and 2019 c 248 s 3 and 2019 c 247 s 3 are
29 each reenacted and amended to read as follows:

30 (1)(a) At the time a person is convicted or found not guilty by
31 reason of insanity of an offense making the person ineligible to
32 possess a firearm, or at the time a person is committed by court
33 order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750, or
34 chapter 10.77 RCW for mental health treatment, or at the time that
35 charges are dismissed based on incompetency to stand trial under RCW
36 10.77.088 and the court makes a finding that the person has a history
37 of one or more violent acts, the convicting or committing court, or
38 court that dismisses charges, shall notify the person, orally and in
39 writing, that the person must immediately surrender any concealed

1 pistol license and that the person may not possess a firearm unless
2 his or her right to do so is restored by a court of record. For
3 purposes of this section a convicting court includes a court in which
4 a person has been found not guilty by reason of insanity.

5 (b) The court shall forward within three judicial days after
6 conviction, entry of the commitment order, or dismissal of charges, a
7 copy of the person's driver's license or identicard, or comparable
8 information such as their name, address, and date of birth, along
9 with the date of conviction or commitment, or date charges are
10 dismissed, to the department of licensing. When a person is committed
11 by court order under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
12 or chapter 10.77 RCW, for mental health treatment, or when a person's
13 charges are dismissed based on incompetency to stand trial under RCW
14 10.77.088 and the court makes a finding that the person has a history
15 of one or more violent acts, the court also shall forward, within
16 three judicial days after entry of the commitment order, or dismissal
17 of charges, a copy of the person's driver's license, or comparable
18 information, along with the date of commitment or date charges are
19 dismissed, to the national instant criminal background check system
20 index, denied persons file, created by the federal Brady handgun
21 violence prevention act (P.L. 103-159). The petitioning party shall
22 provide the court with the information required. If more than one
23 commitment order is entered under one cause number, only one
24 notification to the department of licensing and the national instant
25 criminal background check system is required.

26 (2) Upon receipt of the information provided for by subsection
27 (1) of this section, the department of licensing shall determine if
28 the convicted or committed person, or the person whose charges are
29 dismissed based on incompetency to stand trial, has a concealed
30 pistol license. If the person does have a concealed pistol license,
31 the department of licensing shall immediately notify the license-
32 issuing authority which, upon receipt of such notification, shall
33 immediately revoke the license.

34 (3) (a) A person who is prohibited from possessing a firearm, by
35 reason of having been involuntarily committed for mental health
36 treatment under RCW 71.05.240, 71.05.320, 71.34.740, 71.34.750,
37 chapter 10.77 RCW, or equivalent statutes of another jurisdiction, or
38 by reason of having been detained under RCW 71.05.150 or 71.05.153,
39 or because the person's charges were dismissed based on incompetency
40 to stand trial under RCW 10.77.088 and the court made a finding that

1 the person has a history of one or more violent acts, may, upon
2 discharge, petition the superior court to have his or her right to
3 possess a firearm restored.

4 (b) The petition must be brought in the superior court that
5 ordered the involuntary commitment or dismissed the charges based on
6 incompetency to stand trial or the superior court of the county in
7 which the petitioner resides.

8 (c) Except as provided in (d) and (e) of this subsection, the
9 court shall restore the petitioner's right to possess a firearm if
10 the petitioner proves by a preponderance of the evidence that:

11 (i) The petitioner is no longer required to participate in court-
12 ordered inpatient or outpatient treatment;

13 (ii) The petitioner has successfully managed the condition
14 related to the commitment or detention or incompetency;

15 (iii) The petitioner no longer presents a substantial danger to
16 himself or herself, or the public; and

17 (iv) The symptoms related to the commitment or detention or
18 incompetency are not reasonably likely to recur.

19 (d) If a preponderance of the evidence in the record supports a
20 finding that the person petitioning the court has engaged in violence
21 and that it is more likely than not that the person will engage in
22 violence after his or her right to possess a firearm is restored, the
23 person shall bear the burden of proving by clear, cogent, and
24 convincing evidence that he or she does not present a substantial
25 danger to the safety of others.

26 (e) If the petitioner seeks restoration after having been
27 detained under RCW 71.05.150 or 71.05.153, the state shall bear the
28 burden of proof to show, by a preponderance of the evidence, that the
29 petitioner does not meet the restoration criteria in (c) of this
30 subsection.

31 (f) When a person's right to possess a firearm has been restored
32 under this subsection, the court shall forward, within three judicial
33 days after entry of the restoration order, notification that the
34 person's right to possess a firearm has been restored to the
35 department of licensing with a copy of the person's driver's license
36 or identicard, or comparable identification such as their name,
37 address, and date of birth, the health care authority, and the
38 national instant criminal background check system index, denied
39 persons file. In the case of a person whose right to possess a
40 firearm has been suspended for six months as provided in RCW

1 71.05.182, the department of licensing shall forward notification of
2 the restoration order to the licensing authority, which, upon receipt
3 of such notification, shall immediately lift the suspension,
4 restoring the license.

5 (4) No person who has been found not guilty by reason of insanity
6 may petition a court for restoration of the right to possess a
7 firearm unless the person meets the requirements for the restoration
8 of the right to possess a firearm under RCW 9.41.040(4).

9 **Sec. 60.** RCW 9.41.049 and 2019 c 247 s 2 are each amended to
10 read as follows:

11 (1) When a designated crisis responder files a petition for
12 initial detention under RCW 71.05.150 or 71.05.153 on the grounds
13 that the person presents a likelihood of serious harm, the petition
14 shall include a copy of the person's driver's license or identicard
15 or comparable information such as their name, address, and date of
16 birth. If the person is not subsequently committed for involuntary
17 treatment under RCW 71.05.240, the court shall forward within three
18 business days of the probable cause hearing a copy of the person's
19 driver's license or identicard, or comparable information, along with
20 the date of release from the facility, to the department of licensing
21 and to the state patrol, who shall forward the information to the
22 national instant criminal background check system index, denied
23 persons file, created by the federal Brady handgun violence
24 prevention act (P.L. 103-159). Upon expiration of the six-month
25 period during which the person's right to possess a firearm is
26 suspended as provided in RCW 71.05.182, the Washington state patrol
27 shall forward to the national instant criminal background check
28 system index, denied persons file, notice that the person's right to
29 possess a firearm has been restored.

30 (2) Upon receipt of the information provided for by subsection
31 (1) of this section, the department of licensing shall determine if
32 the detained person has a concealed pistol license. If the person
33 does have a concealed pistol license, the department of licensing
34 shall immediately notify the license-issuing authority, which, upon
35 receipt of such notification, shall immediately suspend the license
36 for a period of six months from the date of the person's release from
37 the facility.

38 (3) A person who is prohibited from possessing a firearm by
39 reason of having been detained under RCW 71.05.150 or 71.05.153 may,

1 upon discharge, petition the superior court to have his or her right
2 to possess a firearm restored before the six-month suspension period
3 has elapsed by following the procedures provided in RCW 9.41.047(3).

4 **Sec. 61.** RCW 71.34.010 and 2019 c 381 s 1 are each amended to
5 read as follows:

6 (1) It is the purpose of this chapter to assure that minors in
7 need of (~~mental~~) behavioral health care and treatment receive an
8 appropriate continuum of culturally relevant care and treatment,
9 including prevention and early intervention, self-directed care,
10 parent-directed care, and involuntary treatment. To facilitate the
11 continuum of care and treatment to minors in out-of-home placements,
12 all divisions of the authority and the department that provide
13 (~~mental~~) behavioral health services to minors shall jointly plan
14 and deliver those services.

15 (2) It is also the purpose of this chapter to protect the rights
16 of adolescents to confidentiality and to independently seek services
17 for (~~mental health and substance use~~) behavioral health disorders.
18 Mental health and (~~chemical dependency~~) substance use disorder
19 professionals shall guard against needless hospitalization and
20 deprivations of liberty, enable treatment decisions to be made in
21 response to clinical needs in accordance with sound professional
22 judgment, and encourage the use of voluntary services. Mental health
23 and (~~chemical dependency~~) substance use disorder professionals
24 shall, whenever clinically appropriate, offer less restrictive
25 alternatives to inpatient treatment. Additionally, all (~~mental~~)
26 behavioral health care and treatment providers shall assure that
27 minors' parents are given an opportunity to participate in the
28 treatment decisions for their minor children. The (~~mental~~)
29 behavioral health care and treatment providers shall, to the extent
30 possible, offer services that involve minors' parents or family.

31 (3)(a) It is the intent of the legislature to enhance continuity
32 of care for minors with serious behavioral health disorders that can
33 be controlled or stabilized in a less restrictive alternative
34 commitment. Within the guidelines stated in *In re LaBelle*, 107 Wn.2d
35 196 (1986), the legislature intends to encourage appropriate
36 interventions at a point when there is the best opportunity to
37 restore the minor to or maintain satisfactory functioning.

38 (b) For minors with a prior history or pattern of repeated
39 hospitalizations or law enforcement interventions due to

1 decompensation, the consideration of prior behavioral health history
2 is particularly relevant in determining whether the minor would
3 receive, if released, such care as is essential for his or her health
4 or safety.

5 (c) Therefore, the legislature finds that for minors who are
6 currently under a commitment order, a prior history of decompensation
7 leading to repeated hospitalizations or law enforcement interventions
8 should be given great weight in determining whether a new less
9 restrictive alternative commitment should be ordered. The court must
10 also consider any school behavioral issues, the impact on the family,
11 the safety of other children in the household, and the developmental
12 age of the minor.

13 (4) It is also the purpose of this chapter to protect the health
14 and safety of minors suffering from behavioral health disorders and
15 to protect public safety through use of the parens patriae and police
16 powers of the state. Accordingly, when construing the requirements of
17 this chapter the court must focus on the merits of the petition,
18 except where requirements have been totally disregarded, as provided
19 in *In re C.W.*, 147 Wn.2d 259, 281 (2002). A presumption in favor of
20 deciding petitions on their merits furthers both public and private
21 interests because the mental and physical well-being of minors as
22 well as public safety may be implicated by the decision to release a
23 minor and discontinue his or her treatment.

24 (5) It is also the purpose of this chapter to assure the ability
25 of parents to exercise reasonable, compassionate care and control of
26 their minor children when there is a medical necessity for treatment
27 and without the requirement of filing a petition under this chapter,
28 including the ability to request and receive medically necessary
29 treatment for their adolescent children without the consent of the
30 adolescent.

31 **Sec. 62.** RCW 71.34.020 and 2019 c 446 s 24, 2019 c 444 s 17,
32 2019 c 381 s 2, and 2019 c 325 s 2001 are each reenacted and amended
33 to read as follows:

34 Unless the context clearly requires otherwise, the definitions in
35 this section apply throughout this chapter.

36 (1) "Adolescent" means a minor thirteen years of age or older.

37 (2) "Alcoholism" means a disease, characterized by a dependency
38 on alcoholic beverages, loss of control over the amount and
39 circumstances of use, symptoms of tolerance, physiological or

1 psychological withdrawal, or both, if use is reduced or discontinued,
2 and impairment of health or disruption of social or economic
3 functioning.

4 (3) "Approved substance use disorder treatment program" means a
5 program for minors with substance use disorders provided by a
6 treatment program licensed or certified by the department of health
7 as meeting standards adopted under chapter 71.24 RCW.

8 (4) "Authority" means the Washington state health care authority.

9 (5) "Behavioral health administrative services organization" has
10 the same meaning as provided in RCW 71.24.025.

11 (6) "Child psychiatrist" means a person having a license as a
12 physician and surgeon in this state, who has had graduate training in
13 child psychiatry in a program approved by the American Medical
14 Association or the American Osteopathic Association, and who is board
15 eligible or board certified in child psychiatry.

16 (7) "Children's mental health specialist" means:

17 (a) A mental health professional who has completed a minimum of
18 one hundred actual hours, not quarter or semester hours, of
19 specialized training devoted to the study of child development and
20 the treatment of children; and

21 (b) A mental health professional who has the equivalent of one
22 year of full-time experience in the treatment of children under the
23 supervision of a children's mental health specialist.

24 (8) "Commitment" means a determination by a judge or court
25 commissioner, made after a commitment hearing, that the minor is in
26 need of inpatient diagnosis, evaluation, or treatment or that the
27 minor is in need of less restrictive alternative treatment.

28 (9) "Co-occurring disorder specialist" means an individual
29 possessing an enhancement granted by the department of health under
30 chapter 18.205 RCW that certifies the individual to provide substance
31 use disorder counseling subject to the practice limitations under RCW
32 18.205.105.

33 (10) "Department" means the department of social and health
34 services.

35 (11) "Designated crisis responder" has the same meaning as
36 provided in RCW 71.05.020.

37 (12) "Director" means the director of the authority.

38 (13) "Evaluation and treatment facility" means a public or
39 private facility or unit that is licensed or certified by the
40 department of health to provide emergency, inpatient, residential, or

1 outpatient mental health evaluation and treatment services for
2 minors. A physically separate and separately operated portion of a
3 state hospital may be designated as an evaluation and treatment
4 facility for minors. A facility which is part of or operated by the
5 state or federal agency does not require licensure or certification.
6 No correctional institution or facility, juvenile court detention
7 facility, or jail may be an evaluation and treatment facility within
8 the meaning of this chapter.

9 (14) "Evaluation and treatment program" means the total system of
10 services and facilities coordinated and approved by a county or
11 combination of counties for the evaluation and treatment of minors
12 under this chapter.

13 (15) "Gravely disabled minor" means a minor who, as a result of a
14 (~~mental~~) behavioral health disorder (~~(, or as a result of the use of~~
15 ~~alcohol or other psychoactive chemicals)~~), (a) is in danger of
16 serious physical harm resulting from a failure to provide for his or
17 her essential human needs of health or safety, or (b) manifests
18 severe deterioration (~~(in routine functioning)~~) from safe behavior
19 evidenced by repeated and escalating loss of cognitive or volitional
20 control over his or her actions and is not receiving such care as is
21 essential for his or her health or safety.

22 (16) "Inpatient treatment" means twenty-four-hour-per-day mental
23 health care provided within a general hospital, psychiatric hospital,
24 residential treatment facility licensed or certified by the
25 department of health as an evaluation and treatment facility for
26 minors, secure withdrawal management and stabilization facility for
27 minors, or approved substance use disorder treatment program for
28 minors.

29 (17) "Intoxicated minor" means a minor whose mental or physical
30 functioning is substantially impaired as a result of the use of
31 alcohol or other psychoactive chemicals.

32 (18) "Kinship caregiver" has the same meaning as in RCW
33 74.13.031(19) (a).

34 (19) "Less restrictive alternative" or "less restrictive setting"
35 means outpatient treatment provided to a minor who is not residing in
36 a facility providing inpatient treatment as defined in this chapter.

37 (20) "Likelihood of serious harm" means (~~(either)~~):

38 (a) A substantial risk that: (i) Physical harm will be inflicted
39 by (~~(an individual)~~) a minor upon his or her own person, as evidenced
40 by threats or attempts to commit suicide or inflict physical harm on

1 oneself; ~~((b) a substantial risk that))~~ (ii) physical harm will be
2 inflicted by ~~((an individual))~~ a minor upon another individual, as
3 evidenced by behavior which has caused ~~((such))~~ harm, substantial
4 pain, or which places another person or persons in reasonable fear of
5 ~~((sustaining such))~~ harm to themselves or others; or ~~((c) a~~
6 ~~substantial risk that))~~ (iii) physical harm will be inflicted by ~~((an~~
7 ~~individual))~~ a minor upon the property of others, as evidenced by
8 behavior which has caused substantial loss or damage to the property
9 of others; or

10 (b) The minor has threatened the physical safety of another and
11 has a history of one or more violent acts.

12 (21) "Managed care organization" has the same meaning as provided
13 in RCW 71.24.025.

14 (22) "Medical necessity" for inpatient care means a requested
15 service which is reasonably calculated to: (a) Diagnose, correct,
16 cure, or alleviate a mental disorder or substance use disorder; or
17 (b) prevent the progression of a mental disorder or substance use
18 disorder that endangers life or causes suffering and pain, or results
19 in illness or infirmity or threatens to cause or aggravate a
20 handicap, or causes physical deformity or malfunction, and there is
21 no adequate less restrictive alternative available.

22 (23) "Mental disorder" means any organic, mental, or emotional
23 impairment that has substantial adverse effects on an individual's
24 cognitive or volitional functions. The presence of alcohol abuse,
25 drug abuse, juvenile criminal history, antisocial behavior, or
26 intellectual disabilities alone is insufficient to justify a finding
27 of "mental disorder" within the meaning of this section.

28 (24) "Mental health professional" means a psychiatrist,
29 psychiatric advanced registered nurse practitioner, physician
30 assistant working with a supervising psychiatrist, psychologist,
31 psychiatric nurse, social worker, and such other mental health
32 professionals as defined by rules adopted by the secretary of the
33 department of health under this chapter.

34 (25) "Minor" means any person under the age of eighteen years.

35 (26) "Outpatient treatment" means any of the nonresidential
36 services mandated under chapter 71.24 RCW and provided by licensed or
37 certified behavioral health agencies as identified by RCW 71.24.025.

38 (27) (a) "Parent" has the same meaning as defined in RCW
39 26.26A.010, including either parent if custody is shared under a

1 joint custody agreement, or a person or agency judicially appointed
2 as legal guardian or custodian of the child.

3 (b) For purposes of family-initiated treatment under RCW
4 71.34.600 through 71.34.670, "parent" also includes a person to whom
5 a parent defined in (a) of this subsection has given a signed
6 authorization to make health care decisions for the adolescent, a
7 stepparent who is involved in caring for the adolescent, a kinship
8 caregiver who is involved in caring for the adolescent, or another
9 relative who is responsible for the health care of the adolescent,
10 who may be required to provide a declaration under penalty of perjury
11 stating that he or she is a relative responsible for the health care
12 of the adolescent pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW. If
13 a dispute arises between individuals authorized to act as a parent
14 for the purpose of RCW 71.34.600 through 71.34.670, the disagreement
15 must be resolved according to the priority established under RCW
16 7.70.065(2) (a).

17 (28) "Physician assistant" means a person licensed as a physician
18 assistant under chapter 18.57A or 18.71A RCW.

19 (29) "Private agency" means any person, partnership, corporation,
20 or association that is not a public agency, whether or not financed
21 in whole or in part by public funds, that constitutes an evaluation
22 and treatment facility or private institution, or hospital, or
23 approved substance use disorder treatment program, that is conducted
24 for, or includes a distinct unit, floor, or ward conducted for, the
25 care and treatment of persons with mental illness, substance use
26 disorders, or both mental illness and substance use disorders.

27 (30) "Professional person in charge" or "professional person"
28 means a physician, other mental health professional, or other person
29 empowered by an evaluation and treatment facility, secure withdrawal
30 management and stabilization facility, or approved substance use
31 disorder treatment program with authority to make admission and
32 discharge decisions on behalf of that facility.

33 (31) "Psychiatric nurse" means a registered nurse who has
34 experience in the direct treatment of persons who have a mental
35 illness or who are emotionally disturbed, such experience gained
36 under the supervision of a mental health professional.

37 (32) "Psychiatrist" means a person having a license as a
38 physician in this state who has completed residency training in
39 psychiatry in a program approved by the American Medical Association

1 or the American Osteopathic Association, and is board eligible or
2 board certified in psychiatry.

3 (33) "Psychologist" means a person licensed as a psychologist
4 under chapter 18.83 RCW.

5 (34) "Public agency" means any evaluation and treatment facility
6 or institution, or hospital, or approved substance use disorder
7 treatment program that is conducted for, or includes a distinct unit,
8 floor, or ward conducted for, the care and treatment of persons with
9 mental illness, substance use disorders, or both mental illness and
10 substance use disorders if the agency is operated directly by
11 federal, state, county, or municipal government, or a combination of
12 such governments.

13 (35) "Responsible other" means the minor, the minor's parent or
14 estate, or any other person legally responsible for support of the
15 minor.

16 (36) "Secretary" means the secretary of the department or
17 secretary's designee.

18 (37) "Secure withdrawal management and stabilization facility"
19 means a facility operated by either a public or private agency or by
20 the program of an agency which provides care to voluntary individuals
21 and individuals involuntarily detained and committed under this
22 chapter for whom there is a likelihood of serious harm or who are
23 gravely disabled due to the presence of a substance use disorder.
24 Secure withdrawal management and stabilization facilities must:

25 (a) Provide the following services:

26 (i) Assessment and treatment, provided by certified substance use
27 disorder professionals or co-occurring disorder specialists;

28 (ii) Clinical stabilization services;

29 (iii) Acute or subacute detoxification services for intoxicated
30 individuals; and

31 (iv) Discharge assistance provided by certified substance use
32 disorder professionals or co-occurring disorder specialists,
33 including facilitating transitions to appropriate voluntary or
34 involuntary inpatient services or to less restrictive alternatives as
35 appropriate for the individual;

36 (b) Include security measures sufficient to protect the patients,
37 staff, and community; and

38 (c) Be licensed or certified as such by the department of health.

1 (38) "Social worker" means a person with a master's or further
2 advanced degree from a social work educational program accredited and
3 approved as provided in RCW 18.320.010.

4 (39) "Start of initial detention" means the time of arrival of
5 the minor at the first evaluation and treatment facility, secure
6 withdrawal management and stabilization facility, or approved
7 substance use disorder treatment program offering inpatient treatment
8 if the minor is being involuntarily detained at the time. With regard
9 to voluntary patients, "start of initial detention" means the time at
10 which the minor gives notice of intent to leave under the provisions
11 of this chapter.

12 (40) "Substance use disorder" means a cluster of cognitive,
13 behavioral, and physiological symptoms indicating that an individual
14 continues using the substance despite significant substance-related
15 problems. The diagnosis of a substance use disorder is based on a
16 pathological pattern of behaviors related to the use of the
17 substances.

18 (41) "Substance use disorder professional" means a person
19 certified as a substance use disorder professional by the department
20 of health under chapter 18.205 RCW (~~(, or a person certified as a~~
21 ~~chemical dependency professional trainee under RCW 18.205.095 working~~
22 ~~under the direct supervision of a certified chemical dependency~~
23 ~~professional)~~).

24 (42) "Admission" or "admit" means a decision by a physician,
25 physician assistant, or psychiatric advanced registered nurse
26 practitioner that a minor should be examined or treated as a patient
27 in a hospital.

28 (43) "Antipsychotic medications" means that class of drugs
29 primarily used to treat serious manifestations of mental illness
30 associated with thought disorders, which includes, but is not limited
31 to, atypical antipsychotic medications.

32 (44) "Attending staff" means any person on the staff of a public
33 or private agency having responsibility for the care and treatment of
34 a minor patient.

35 (45) "Behavioral health disorder" means either a mental disorder
36 as defined in this section, a substance use disorder as defined in
37 this section, or a co-occurring mental disorder and substance use
38 disorder.

39 (46) "Conditional release" means a revocable modification of a
40 commitment, which may be revoked upon violation of any of its terms.

1 (47) "Crisis stabilization unit" means a short-term facility or a
2 portion of a facility licensed or certified by the department of
3 health under RCW 71.24.035, such as a residential treatment facility
4 or a hospital, which has been designed to assess, diagnose, and treat
5 individuals experiencing an acute crisis without the use of long-term
6 hospitalization.

7 (48) "Custody" means involuntary detention under the provisions
8 of this chapter or chapter 10.77 RCW, uninterrupted by any period of
9 unconditional release from commitment from a facility providing
10 involuntary care and treatment.

11 (49) "Detention" or "detain" means the lawful confinement of a
12 person, under the provisions of this chapter.

13 (50) "Developmental disabilities professional" means a person who
14 has specialized training and three years of experience in directly
15 treating or working with persons with developmental disabilities and
16 is a psychiatrist, physician assistant working with a supervising
17 psychiatrist, psychologist, psychiatric advanced registered nurse
18 practitioner, or social worker, and such other developmental
19 disabilities professionals as may be defined by rules adopted by the
20 secretary of the department.

21 (51) "Developmental disability" has the same meaning as defined
22 in RCW 71A.10.020.

23 (52) "Discharge" means the termination of hospital medical
24 authority. The commitment may remain in place, be terminated, or be
25 amended by court order.

26 (53) "Habilitative services" means those services provided by
27 program personnel to assist minors in acquiring and maintaining life
28 skills and in raising their levels of physical, behavioral, social,
29 and vocational functioning. Habilitative services include education,
30 training for employment, and therapy.

31 (54) "Hearing" means any proceeding conducted in open court that
32 conforms to the requirements of section 97 of this act.

33 (55) "History of one or more violent acts" refers to the period
34 of time five years prior to the filing of a petition under this
35 chapter, excluding any time spent, but not any violent acts
36 committed, in a mental health facility, a long-term alcoholism or
37 drug treatment facility, or in confinement as a result of a criminal
38 conviction.

1 (56) "Individualized service plan" means a plan prepared by a
2 developmental disabilities professional with other professionals as a
3 team, for a person with developmental disabilities, which states:

4 (a) The nature of the person's specific problems, prior charged
5 criminal behavior, and habilitation needs;

6 (b) The conditions and strategies necessary to achieve the
7 purposes of habilitation;

8 (c) The intermediate and long-range goals of the habilitation
9 program, with a projected timetable for the attainment;

10 (d) The rationale for using this plan of habilitation to achieve
11 those intermediate and long-range goals;

12 (e) The staff responsible for carrying out the plan;

13 (f) Where relevant in light of past criminal behavior and due
14 consideration for public safety, the criteria for proposed movement
15 to less-restrictive settings, criteria for proposed eventual
16 discharge or release, and a projected possible date for discharge or
17 release; and

18 (g) The type of residence immediately anticipated for the person
19 and possible future types of residences.

20 (57) "Judicial commitment" means a commitment by a court pursuant
21 to the provisions of this chapter.

22 (58) "Legal counsel" means attorneys and staff employed by county
23 prosecutor offices or the state attorney general acting in their
24 capacity as legal representatives of public behavioral health service
25 providers under RCW 71.05.130.

26 (59) "Licensed physician" means a person licensed to practice
27 medicine or osteopathic medicine and surgery in the state of
28 Washington.

29 (60) "Medical clearance" means a physician or other health care
30 provider has determined that a person is medically stable and ready
31 for referral to the designated crisis responder.

32 (61) "Peace officer" means a law enforcement official of a public
33 agency or governmental unit, and includes persons specifically given
34 peace officer powers by any state law, local ordinance, or judicial
35 order of appointment.

36 (62) "Release" means legal termination of the commitment under
37 the provisions of this chapter.

38 (63) "Resource management services" has the meaning given in
39 chapter 71.24 RCW.

1 (64) "Severe deterioration from safe behavior" means that a
2 person will, if not treated, suffer or continue to suffer severe and
3 abnormal mental, emotional, or physical distress, and this distress
4 is associated with significant impairment of judgment, reason, or
5 behavior.

6 (65) "Therapeutic court personnel" means the staff of a mental
7 health court or other therapeutic court which has jurisdiction over
8 defendants who are dually diagnosed with mental disorders, including
9 court personnel, probation officers, a court monitor, prosecuting
10 attorney, or defense counsel acting within the scope of therapeutic
11 court duties.

12 (66) "Treatment records" include registration and all other
13 records concerning persons who are receiving or who at any time have
14 received services for mental illness, which are maintained by the
15 department, the department of health, the authority, behavioral
16 health organizations and their staffs, and by treatment facilities.
17 Treatment records include mental health information contained in a
18 medical bill including but not limited to mental health drugs, a
19 mental health diagnosis, provider name, and dates of service stemming
20 from a medical service. Treatment records do not include notes or
21 records maintained for personal use by a person providing treatment
22 services for the department, the department of health, the authority,
23 behavioral health organizations, or a treatment facility if the notes
24 or records are not available to others.

25 (67) "Triage facility" means a short-term facility or a portion
26 of a facility licensed or certified by the department of health under
27 RCW 71.24.035, which is designed as a facility to assess and
28 stabilize an individual or determine the need for involuntary
29 commitment of an individual, and must meet department of health
30 residential treatment facility standards. A triage facility may be
31 structured as a voluntary or involuntary placement facility.

32 (68) "Violent act" means behavior that resulted in homicide,
33 attempted suicide, injury, or substantial loss or damage to property.

34 (69) "Written order of apprehension" means an order of the court
35 for a peace officer to deliver the named minor in the order to a
36 facility or emergency room as determined by the designated crisis
37 responder. Such orders must be entered into the Washington crime
38 information center database.

1 **Sec. 63.** RCW 71.34.305 and 2016 sp.s. c 29 s 255 are each
2 amended to read as follows:

3 School district personnel who contact a (~~mental health or~~
4 ~~substance use~~) behavioral health disorder inpatient treatment
5 program or provider for the purpose of referring a student to
6 inpatient treatment shall provide the parents with notice of the
7 contact within forty-eight hours.

8 **Sec. 64.** RCW 71.34.310 and 1985 c 354 s 26 are each amended to
9 read as follows:

10 (1) The superior court has jurisdiction over proceedings under
11 this chapter.

12 (2) A record of all petitions and proceedings under this chapter
13 shall be maintained by the clerk of the superior court in the county
14 in which the petition or proceedings was initiated.

15 (3) Petitions for commitment shall be filed and venue for
16 hearings under this chapter shall be in the county in which the minor
17 is being detained. (~~The court may, for good cause, transfer the~~
18 ~~proceeding to the county of the minor's residence, or to the county~~
19 ~~in which the alleged conduct evidencing need for commitment occurred.~~
20 ~~If the county of detention is changed, subsequent petitions may be~~
21 ~~filed in the county in which the minor is detained without the~~
22 ~~necessity of a change of venue.))~~

23 NEW SECTION. **Sec. 65.** A new section is added to chapter 71.34
24 RCW to read as follows:

25 A peace officer may take or authorize a minor to be taken into
26 custody and immediately delivered to an appropriate triage facility,
27 crisis stabilization unit, evaluation and treatment facility, secure
28 withdrawal management and stabilization facility, approved substance
29 use disorder treatment program, or the emergency department of a
30 local hospital when he or she has reasonable cause to believe that
31 such minor is suffering from a behavioral health disorder and
32 presents an imminent likelihood of serious harm or is gravely
33 disabled. Until July 1, 2026, a peace officer's delivery of a minor
34 to a secure withdrawal management and stabilization facility or
35 approved substance use disorder treatment program is subject to the
36 availability of a secure withdrawal management and stabilization
37 facility or approved substance use disorder treatment program with
38 adequate space for the minor.

1 **Sec. 66.** RCW 71.34.355 and 2016 c 155 s 18 are each amended to
2 read as follows:

3 (1) Absent a risk to self or others, minors treated under this
4 chapter have the following rights, which shall be prominently posted
5 in the evaluation and treatment facility:

6 ~~((1))~~ (a) To wear their own clothes and to keep and use
7 personal possessions;

8 ~~((2))~~ (b) To keep and be allowed to spend a reasonable sum of
9 their own money for canteen expenses and small purchases;

10 ~~((3))~~ (c) To have individual storage space for private use;

11 ~~((4))~~ (d) To have visitors at reasonable times;

12 ~~((5))~~ (e) To have reasonable access to a telephone, both to
13 make and receive confidential calls;

14 ~~((6))~~ (f) To have ready access to letter-writing materials,
15 including stamps, and to send and receive uncensored correspondence
16 through the mails;

17 ~~((7))~~ (g) To discuss treatment plans and decisions with mental
18 health professionals;

19 ~~((8))~~ (h) To have the right to adequate care and individualized
20 treatment;

21 ~~((9))~~ (i) To not be denied access to treatment by spiritual
22 means through prayer in accordance with the tenets and practices of a
23 church or religious denomination in addition to the treatment
24 otherwise proposed;

25 (j) Not to consent to the administration of antipsychotic
26 medications beyond the hearing conducted pursuant to RCW 71.34.750 or
27 the performance of electroconvulsive treatment or surgery, except
28 emergency lifesaving surgery, upon him or her, ~~((and not to have~~
29 electro-convulsive treatment or nonemergency surgery in such
30 circumstance)) unless ordered by a court ~~((pursuant to a judicial~~
31 hearing in which the minor is present and represented by counsel, and
32 the court shall appoint a psychiatrist, physician assistant,
33 psychologist, psychiatric advanced registered nurse practitioner, or
34 physician designated by the minor or the minor's counsel to testify
35 on behalf of the minor)) under procedures described in RCW
36 71.05.217(1)(j). The minor's parent may exercise this right on the
37 minor's behalf, and must be informed of any impending treatment;

38 ~~((10))~~ (k) Not to have psychosurgery performed on him or her
39 under any circumstances.

1 (2) (a) Privileges between minors and physicians, physician
2 assistants, psychologists, or psychiatric advanced registered nurse
3 practitioners are deemed waived in proceedings under this chapter
4 relating to the administration of antipsychotic medications. As to
5 other proceedings under this chapter, the privileges are waived when
6 a court of competent jurisdiction in its discretion determines that
7 such waiver is necessary to protect either the detained minor or the
8 public.

9 (b) The waiver of a privilege under this section is limited to
10 records or testimony relevant to evaluation of the detained minor for
11 purposes of a proceeding under this chapter. Upon motion by the
12 detained minor or on its own motion, the court shall examine a record
13 or testimony sought by a petitioner to determine whether it is within
14 the scope of the waiver.

15 (c) The record maker may not be required to testify in order to
16 introduce medical or psychological records of the detained minor so
17 long as the requirements of RCW 5.45.020 are met except that portions
18 of the record which contain opinions as to the detained minor's
19 mental state must be deleted from such records unless the person
20 making such conclusions is available for cross-examination.

21 (3) No minor may be presumed incompetent as a consequence of
22 receiving an evaluation or voluntary or involuntary treatment for a
23 mental disorder or substance use disorder, under this chapter or any
24 prior laws of this state dealing with mental illness or substance use
25 disorders.

26 NEW SECTION. Sec. 67. A new section is added to chapter 71.34
27 RCW to read as follows:

28 At the time a minor is involuntarily admitted to an evaluation
29 and treatment facility, secure withdrawal management and
30 stabilization facility, or approved substance use disorder treatment
31 program, the professional person in charge or his or her designee
32 shall take reasonable precautions to inventory and safeguard the
33 personal property of the detained minor. A copy of the inventory,
34 signed by the staff member making it, must be given to the detained
35 minor and must, in addition, be open to inspection to any responsible
36 relative, subject to limitations, if any, specifically imposed by the
37 detained minor. For purposes of this section, "responsible relative"
38 includes the guardian, conservator, attorney, parent, or adult
39 brother or sister of the minor. The facility shall not disclose the

1 contents of the inventory to any other person without the consent of
2 the minor or order of the court.

3 **Sec. 68.** RCW 71.34.365 and 2018 c 201 s 5004 are each amended to
4 read as follows:

5 (1) If a minor is not accepted for admission or is released by an
6 inpatient evaluation and treatment facility, the facility shall
7 release the minor to the custody of the minor's parent or other
8 responsible person. If not otherwise available, the facility shall
9 furnish transportation for the minor to the minor's residence or
10 other appropriate place. If the minor has been arrested, the
11 evaluation and treatment facility, secure withdrawal management and
12 stabilization facility, or approved substance use disorder treatment
13 program shall detain the minor for not more than eight hours at the
14 request of the peace officer. The program or facility shall make
15 reasonable attempts to contact the requesting peace officer during
16 this time to inform the peace officer that the minor is not approved
17 for admission or is being released in order to enable a peace officer
18 to return to the facility and take the minor back into custody.

19 (2) If the minor is released to someone other than the minor's
20 parent, the facility shall make every effort to notify the minor's
21 parent of the release as soon as possible.

22 (3) No indigent minor may be released to less restrictive
23 alternative treatment or setting or discharged from inpatient
24 treatment without suitable clothing, and the authority shall furnish
25 this clothing. As funds are available, the director may provide
26 necessary funds for the immediate welfare of indigent minors upon
27 discharge or release to less restrictive alternative treatment.

28 **Sec. 69.** RCW 71.34.410 and 2019 c 446 s 27 are each amended to
29 read as follows:

30 (1) No public or private agency or governmental entity, nor
31 officer of a public or private agency, nor the superintendent, or
32 professional person in charge, his or her professional designee or
33 attending staff of any such agency, nor any public official
34 performing functions necessary to the administration of this chapter,
35 nor peace officer responsible for detaining a (~~person~~) minor under
36 this chapter, nor any designated crisis responder, nor professional
37 person, nor evaluation and treatment facility, nor secure withdrawal
38 management and stabilization facility, nor approved substance use

1 disorder treatment program shall be civilly or criminally liable for
2 performing actions authorized in this chapter with regard to the
3 decision of whether to admit, release, administer antipsychotic
4 medications, or detain a (~~person~~) minor for evaluation and
5 treatment: PROVIDED, That such duties were performed in good faith
6 and without gross negligence.

7 (2) This section does not relieve a person from giving the
8 required duty to warn or to take reasonable precautions to provide
9 protection from violent behavior where the minor has communicated an
10 actual threat of physical violence against a reasonably identifiable
11 victim or victims. The duty to warn or to take reasonable precautions
12 to provide protection from violent behavior is discharged if
13 reasonable efforts are made to communicate the threat to the victim
14 or victims and to law enforcement personnel.

15 **Sec. 70.** RCW 71.34.420 and 2018 c 201 s 5012 are each amended to
16 read as follows:

17 (1) The authority may use a single bed certification process as
18 outlined in rule to provide additional treatment capacity for a minor
19 suffering from a mental disorder for whom an evaluation and treatment
20 facility, secure withdrawal management and stabilization facility, or
21 approved substance use disorder treatment program bed is not
22 available. The facility that is the proposed site of the single bed
23 certification must be a facility that is willing and able to provide
24 the person with timely and appropriate treatment either directly or
25 by arrangement with other public or private agencies.

26 (2) A single bed certification must be specific to the minor
27 receiving treatment.

28 (3) A designated crisis responder who submits an application for
29 a single bed certification for treatment at a facility that is
30 willing and able to provide timely and appropriate mental health
31 treatment in good faith belief that the single bed certification is
32 appropriate may presume that the single bed certification will be
33 approved for the purpose of completing the detention process and
34 responding to other emergency calls.

35 (4) The authority may adopt rules implementing this section and
36 continue to enforce rules it has already adopted except where
37 inconsistent with this section.

1 NEW SECTION. **Sec. 71.** A new section is added to chapter 71.34
2 RCW to read as follows:

3 Nothing in this chapter shall prohibit the professional person in
4 charge of a treatment facility, or his or her professional designee,
5 from permitting a minor detained for intensive treatment to leave the
6 facility for prescribed periods during the term of the minor's
7 detention, under such conditions as may be appropriate.

8 **Sec. 72.** RCW 71.34.500 and 2019 c 381 s 3 are each amended to
9 read as follows:

10 (1) An adolescent may admit himself or herself to an evaluation
11 and treatment facility for inpatient mental health treatment or an
12 approved substance use disorder treatment program for inpatient
13 substance use disorder treatment without parental consent. The
14 admission shall occur only if the professional person in charge of
15 the facility concurs with the need for inpatient treatment. Parental
16 authorization, or authorization from a person who may consent on
17 behalf of the minor pursuant to RCW 7.70.065, is required for
18 inpatient treatment of a minor under the age of thirteen.

19 (2) When, in the judgment of the professional person in charge of
20 an evaluation and treatment facility or approved substance use
21 disorder treatment program, there is reason to believe that a minor
22 is in need of inpatient treatment because of a (~~mental disorder or~~
23 ~~substance use~~) behavioral health disorder, and the facility provides
24 the type of evaluation and treatment needed by the minor, and it is
25 not feasible to treat the minor in any less restrictive setting or
26 the minor's home, the minor may be admitted to the facility.

27 (3) Written renewal of voluntary consent must be obtained from
28 the applicant no less than once every twelve months. The minor's need
29 for continued inpatient treatments shall be reviewed and documented
30 no less than every one hundred eighty days.

31 **Sec. 73.** RCW 71.34.600 and 2019 c 446 s 28 and 2019 c 381 s 7
32 are each reenacted and amended to read as follows:

33 (1) A parent may bring, or authorize the bringing of, his or her
34 adolescent child to:

35 (a) An evaluation and treatment facility or an inpatient facility
36 licensed under chapter 70.41, 71.12, or 72.23 RCW and request that
37 the professional person examine the adolescent to determine whether

1 the adolescent has a mental disorder and is in need of inpatient
2 treatment; or

3 (b) A secure withdrawal management and stabilization facility or
4 approved substance use disorder treatment program and request that a
5 substance use disorder assessment be conducted by a professional
6 person to determine whether the adolescent has a substance use
7 disorder and is in need of inpatient treatment.

8 (2) The consent of the adolescent is not required for admission,
9 evaluation, and treatment if a parent provides consent.

10 (3) An appropriately trained professional person may evaluate
11 whether the adolescent has a (~~mental disorder or has a substance~~
12 ~~use~~) behavioral health disorder. The evaluation shall be completed
13 within twenty-four hours of the time the adolescent was brought to
14 the facility, unless the professional person determines that the
15 condition of the adolescent necessitates additional time for
16 evaluation. In no event shall an adolescent be held longer than
17 seventy-two hours for evaluation. If, in the judgment of the
18 professional person, it is determined it is a medical necessity for
19 the adolescent to receive inpatient treatment, the adolescent may be
20 held for treatment. The facility shall limit treatment to that which
21 the professional person determines is medically necessary to
22 stabilize the adolescent's condition until the evaluation has been
23 completed. Within twenty-four hours of completion of the evaluation,
24 the professional person shall notify the authority if the adolescent
25 is held solely for mental health and not substance use disorder
26 treatment and of the date of admission. If the adolescent is held for
27 substance use disorder treatment only, the professional person shall
28 provide notice to the authority which redacts all patient identifying
29 information about the adolescent unless: (a) The adolescent provides
30 written consent to the disclosure of the fact of admission and such
31 other substance use disorder treatment information in the notice; or
32 (b) permitted by federal law.

33 (4) No provider is obligated to provide treatment to an
34 adolescent under the provisions of this section except that no
35 provider may refuse to treat an adolescent under the provisions of
36 this section solely on the basis that the adolescent has not
37 consented to the treatment. No provider may admit an adolescent to
38 treatment under this section unless it is medically necessary.

1 (5) No adolescent receiving inpatient treatment under this
2 section may be discharged from the facility based solely on his or
3 her request.

4 (6) Prior to the review conducted under RCW 71.34.610, the
5 professional person shall notify the adolescent of his or her right
6 to petition superior court for release from the facility.

7 ~~((7) For the purposes of this section "professional person"~~
8 ~~means "professional person" as defined in RCW 71.05.020.))~~

9 **Sec. 74.** RCW 71.34.600 and 2019 c 446 s 28 and 2019 c 381 s 7
10 are each reenacted and amended to read as follows:

11 (1) A parent may bring, or authorize the bringing of, his or her
12 adolescent child to:

13 (a) An evaluation and treatment facility or an inpatient facility
14 licensed under chapter 70.41, 71.12, or 72.23 RCW and request that
15 the professional person examine the adolescent to determine whether
16 the adolescent has a mental disorder and is in need of inpatient
17 treatment; or

18 (b) A secure withdrawal management and stabilization facility or
19 approved substance use disorder treatment program and request that a
20 substance use disorder assessment be conducted by a professional
21 person to determine whether the adolescent has a substance use
22 disorder and is in need of inpatient treatment.

23 (2) The consent of the adolescent is not required for admission,
24 evaluation, and treatment if a parent provides consent.

25 (3) An appropriately trained professional person may evaluate
26 whether the adolescent has a ~~((mental disorder or has a substance~~
27 ~~use)) behavioral health disorder. The evaluation shall be completed~~
28 within twenty-four hours of the time the adolescent was brought to
29 the facility, unless the professional person determines that the
30 condition of the adolescent necessitates additional time for
31 evaluation. In no event shall an adolescent be held longer than
32 ~~((seventy-two)) one hundred twenty hours for evaluation. If, in the~~
33 judgment of the professional person, it is determined it is a medical
34 necessity for the adolescent to receive inpatient treatment, the
35 adolescent may be held for treatment. The facility shall limit
36 treatment to that which the professional person determines is
37 medically necessary to stabilize the adolescent's condition until the
38 evaluation has been completed. Within twenty-four hours of completion
39 of the evaluation, the professional person shall notify the authority

1 if the adolescent is held solely for mental health and not substance
2 use disorder treatment and of the date of admission. If the
3 adolescent is held for substance use disorder treatment only, the
4 professional person shall provide notice to the authority which
5 redacts all patient identifying information about the adolescent
6 unless: (a) The adolescent provides written consent to the disclosure
7 of the fact of admission and such other substance use disorder
8 treatment information in the notice; or (b) permitted by federal law.

9 (4) No provider is obligated to provide treatment to an
10 adolescent under the provisions of this section except that no
11 provider may refuse to treat an adolescent under the provisions of
12 this section solely on the basis that the adolescent has not
13 consented to the treatment. No provider may admit an adolescent to
14 treatment under this section unless it is medically necessary.

15 (5) No adolescent receiving inpatient treatment under this
16 section may be discharged from the facility based solely on his or
17 her request.

18 (6) Prior to the review conducted under RCW 71.34.610, the
19 professional person shall notify the adolescent of his or her right
20 to petition superior court for release from the facility.

21 ~~((7) For the purposes of this section "professional person"~~
22 ~~means "professional person" as defined in RCW 71.05.020.))~~

23 **Sec. 75.** RCW 71.34.650 and 2019 c 381 s 12 are each amended to
24 read as follows:

25 (1) A parent may bring, or authorize the bringing of, his or her
26 adolescent child to(~~(÷~~

27 ~~(a))~~) a provider of outpatient (~~(mental)~~) behavioral health
28 treatment and request that an appropriately trained professional
29 person examine the adolescent to determine whether the adolescent has
30 a (~~(mental)~~) behavioral health disorder and is in need of outpatient
31 treatment(~~(÷or~~

32 ~~(b) A provider of outpatient substance use disorder treatment and~~
33 ~~request that an appropriately trained professional person examine the~~
34 ~~adolescent to determine whether the adolescent has a substance use~~
35 ~~disorder and is in need of outpatient treatment)).~~

36 (2) The consent of the adolescent is not required for evaluation
37 if a parent provides consent.

1 (3) The professional person may evaluate whether the adolescent
2 has a (~~mental disorder or substance use~~) behavioral health disorder
3 and is in need of outpatient treatment.

4 (4) If a determination is made by a professional person under
5 this section that an adolescent is in need of outpatient (~~mental
6 health or substance use~~) behavioral health disorder treatment, a
7 parent of an adolescent may request and receive such outpatient
8 treatment for his or her adolescent without the consent of the
9 adolescent for up to twelve outpatient sessions occurring within a
10 three-month period.

11 (5) Following the treatment periods under subsection (4) of this
12 section, an adolescent must provide his or her consent for further
13 treatment with that specific professional person.

14 (6) If a determination is made by a professional person under
15 this section that an adolescent is in need of treatment in a less
16 restrictive setting, including partial hospitalization or intensive
17 outpatient treatment, a parent of an adolescent may request and
18 receive such treatment for his or her adolescent without the consent
19 of the adolescent.

20 (a) A professional person providing solely mental health
21 treatment to an adolescent under this subsection (6) must convene a
22 treatment review at least every thirty days after treatment begins
23 that includes the adolescent, parent, and other treatment team
24 members as appropriate to determine whether continued care under this
25 subsection is medically necessary.

26 (b) A professional person providing solely mental health
27 treatment to an adolescent under this subsection (6) shall provide
28 notification of the adolescent's treatment to an independent reviewer
29 at the authority within twenty-four hours of the adolescent's first
30 receipt of treatment under this subsection. At least every forty-five
31 days after the adolescent's first receipt of treatment under this
32 subsection, the authority shall conduct a review to determine whether
33 the current level of treatment is medically necessary.

34 (c) A professional person providing substance use disorder
35 treatment under this subsection (6) shall convene a treatment review
36 under (a) of this subsection and provide the notification of the
37 adolescent's receipt of treatment to an independent reviewer at the
38 authority as described in (b) of this subsection only if: (i) The
39 adolescent provides written consent to the disclosure of substance

1 use disorder treatment information including the fact of his or her
2 receipt of such treatment; or (ii) permitted by federal law.

3 (7) Any adolescent admitted to inpatient treatment under RCW
4 71.34.500 or 71.34.600 shall be discharged immediately from inpatient
5 treatment upon written request of the parent.

6 **Sec. 76.** RCW 71.34.700 and 2019 c 446 s 30 and 2019 c 381 s 14
7 are each reenacted and amended to read as follows:

8 (1) If an adolescent is brought to an evaluation and treatment
9 facility, secure withdrawal management and stabilization facility
10 with available space, approved substance use disorder treatment
11 program with available space, or hospital emergency room for
12 immediate (~~mental~~) behavioral health services, the professional
13 person in charge of the facility shall evaluate the adolescent's
14 (~~mental~~) condition, determine whether the adolescent suffers from a
15 (~~mental~~) behavioral health disorder, and whether the adolescent is
16 in need of immediate inpatient treatment.

17 (~~(2) ((If an adolescent is brought to a secure withdrawal~~
18 ~~management and stabilization facility with available space, or a~~
19 ~~hospital emergency room for immediate substance use disorder~~
20 ~~treatment, the professional person in charge of the facility shall~~
21 ~~evaluate the adolescent's condition, determine whether the adolescent~~
22 ~~suffers from a substance use disorder, and whether the adolescent is~~
23 ~~in need of immediate inpatient treatment.~~

24 ~~(3))~~ If it is determined under subsection (1) (~~or (2))~~ of this
25 section that the adolescent suffers from a (~~mental disorder or~~
26 ~~substance use~~) behavioral health disorder, inpatient treatment is
27 required, the adolescent is unwilling to consent to voluntary
28 admission, and the professional person believes that the adolescent
29 meets the criteria for initial detention (~~set forth herein~~), the
30 facility may detain or arrange for the detention of the adolescent
31 for up to twelve hours, not including time periods prior to medical
32 clearance, in order to enable a designated crisis responder to
33 evaluate the adolescent and commence initial detention proceedings
34 under the provisions of this chapter.

35 (3) Dismissal of a commitment petition is not the appropriate
36 remedy for a violation of the timeliness requirements of this
37 section, based on the purpose of this chapter under RCW 71.34.010,
38 except in the few cases where the facility staff or the designated

1 crisis responder have totally disregarded the requirements of this
2 section.

3 **Sec. 77.** RCW 71.34.700 and 2019 c 446 s 31 and 2019 c 381 s 15
4 are each reenacted and amended to read as follows:

5 (1) If an adolescent is brought to an evaluation and treatment
6 facility, secure withdrawal management and stabilization facility,
7 approved substance use disorder treatment program, or hospital
8 emergency room for immediate ~~((mental))~~ behavioral health services,
9 the professional person in charge of the facility shall evaluate the
10 adolescent's ~~((mental))~~ condition, determine whether the adolescent
11 suffers from a ~~((mental))~~ behavioral health disorder, and whether the
12 adolescent is in need of immediate inpatient treatment.

13 ~~(2) ((If an adolescent is brought to a secure withdrawal~~
14 ~~management and stabilization facility or a hospital emergency room~~
15 ~~for immediate substance use disorder treatment, the professional~~
16 ~~person in charge of the facility shall evaluate the adolescent's~~
17 ~~condition, determine whether the adolescent suffers from a substance~~
18 ~~use disorder, and whether the adolescent is in need of immediate~~
19 ~~inpatient treatment.~~

20 ~~(3))~~ If it is determined under subsection (1) ~~((or (2)))~~ of this
21 section that the adolescent suffers from a ~~((mental disorder or~~
22 ~~substance use))~~ behavioral health disorder, inpatient treatment is
23 required, the adolescent is unwilling to consent to voluntary
24 admission, and the professional person believes that the adolescent
25 meets the criteria for initial detention ~~((set forth herein)),~~ the
26 facility may detain or arrange for the detention of the adolescent
27 for up to twelve hours, not including time periods prior to medical
28 clearance, in order to enable a designated crisis responder to
29 evaluate the adolescent and commence initial detention proceedings
30 under the provisions of this chapter.

31 (3) Dismissal of a commitment petition is not the appropriate
32 remedy for a violation of the timeliness requirements of this
33 section, based on the purpose of this chapter under RCW 71.34.010,
34 except in the few cases where the facility staff or the designated
35 crisis responder have totally disregarded the requirements of this
36 section.

37 NEW SECTION. **Sec. 78.** A new section is added to chapter 71.34
38 RCW to read as follows:

1 (1) Whenever a designated crisis responder or professional person
2 is conducting an evaluation under this chapter, the designated crisis
3 responder or professional person must consider all reasonably
4 available information from credible witnesses and records regarding:

5 (a) Historical behavior, including history of one or more violent
6 acts; and

7 (b) Prior commitments under this chapter.

8 (2) Credible witnesses may include family members, landlords,
9 neighbors, teachers, school personnel, or others with significant
10 contact and history of involvement with the minor. If the designated
11 crisis responder relies upon information from a credible witness in
12 reaching his or her decision to detain the minor, then he or she must
13 provide contact information for any such witness to the prosecutor.
14 The designated crisis responder or prosecutor shall provide notice of
15 the date, time, and location of the probable cause hearing to such a
16 witness.

17 (3) Symptoms and behavior of the minor which standing alone would
18 not justify civil commitment may support a finding of grave
19 disability or likelihood of serious harm, when:

20 (a) Such symptoms or behavior are closely associated with
21 symptoms or behavior which preceded and led to a past incident of
22 involuntary hospitalization, severe deterioration from safe behavior,
23 or one or more violent acts;

24 (b) These symptoms or behavior represent a marked and concerning
25 change in the baseline behavior of the minor; and

26 (c) Without treatment, the continued deterioration of the minor
27 is probable.

28 **Sec. 79.** RCW 71.34.710 and 2019 c 446 s 32 and 2019 c 381 s 16
29 are each reenacted and amended to read as follows:

30 (1) (a) ~~((i))~~ When a designated crisis responder receives
31 information that an adolescent as a result of a ~~((mental))~~ behavioral
32 health disorder presents a likelihood of serious harm or is gravely
33 disabled, has investigated the specific facts alleged and of the
34 credibility of the person or persons providing the information, and
35 has determined that voluntary admission for inpatient treatment is
36 not possible, the designated crisis responder may take the
37 adolescent, or cause the adolescent to be taken, into custody and
38 transported to an evaluation and treatment facility, secure
39 withdrawal management and stabilization facility, or approved

1 substance use disorder treatment program providing inpatient
2 treatment.

3 ~~((ii) When a designated crisis responder receives information~~
4 ~~that an adolescent as a result of a substance use disorder presents a~~
5 ~~likelihood of serious harm or is gravely disabled, has investigated~~
6 ~~the specific facts alleged and of the credibility of the person or~~
7 ~~persons providing the information, and has determined that voluntary~~
8 ~~admission for inpatient treatment is not possible, the designated~~
9 ~~crisis responder may take the adolescent, or cause the adolescent to~~
10 ~~be taken, into custody and transported to a secure withdrawal~~
11 ~~management and stabilization facility or approved substance use~~
12 ~~disorder treatment program, if))~~ A secure withdrawal management and
13 stabilization facility or approved substance use disorder treatment
14 program ~~((is))~~ must be available and ~~((has))~~ have adequate space for
15 the adolescent.

16 (b) ~~If ((the adolescent is not taken into custody for evaluation~~
17 ~~and treatment, the parent who has custody of the adolescent may seek~~
18 ~~review of that decision made by the designated crisis responder in~~
19 ~~court. The parent shall file notice with the court and provide a copy~~
20 ~~of the designated crisis responder's report or notes))~~ a designated
21 crisis responder decides not to detain an adolescent for evaluation
22 and treatment under RCW 71.34.700(2), or forty-eight hours have
23 elapsed since a designated crisis responder received a request for
24 investigation and the designated crisis responder has not taken
25 action to have the adolescent detained, an immediate family member or
26 guardian or conservator of the adolescent may petition the superior
27 court for the adolescent's detention using the procedures under RCW
28 71.05.201 and 71.05.203; however, when the court enters an order of
29 initial detention, except as otherwise expressly stated in this
30 chapter, all procedures must be followed as if the order has been
31 entered under (a) of this subsection.

32 (2) (a) Within twelve hours of the adolescent's arrival at the
33 evaluation and treatment facility, secure withdrawal management and
34 stabilization facility, or approved substance use disorder treatment
35 program, the designated crisis responder shall serve on the
36 adolescent a copy of the petition for initial detention, notice of
37 initial detention, and statement of rights. The designated crisis
38 responder shall file with the court on the next judicial day
39 following the initial detention the original petition for initial
40 detention, notice of initial detention, and statement of rights along

1 with an affidavit of service. The designated crisis responder shall
2 commence service of the petition for initial detention and notice of
3 the initial detention on the adolescent's parent and the adolescent's
4 attorney as soon as possible following the initial detention.

5 (b) If the adolescent is involuntarily detained at an evaluation
6 and treatment facility, secure withdrawal management and
7 stabilization facility, or approved substance use disorder treatment
8 program in a different county from where the adolescent was initially
9 detained, the facility or program may serve the adolescent, notify
10 the adolescent's parents and the adolescent's attorney, and file with
11 the court on the next judicial day following the initial detention
12 the original petition for initial detention, notice of initial
13 detention, and statement of rights along with an affidavit of service
14 when filing with the court at the request of the designated crisis
15 responder.

16 (3) (a) At the time of initial detention, the designated crisis
17 responder shall advise the adolescent both orally and in writing that
18 if admitted to the evaluation and treatment facility, secure
19 withdrawal management and stabilization facility, or approved
20 substance use disorder treatment program for inpatient treatment, a
21 commitment hearing shall be held within seventy-two hours of the
22 adolescent's provisional acceptance to determine whether probable
23 cause exists to commit the adolescent for further treatment.

24 (b) The adolescent shall be advised that he or she has a right to
25 communicate immediately with an attorney and that he or she has a
26 right to have an attorney appointed to represent him or her before
27 and at the hearing if the adolescent is indigent.

28 (4) Subject to subsection (5) of this section, whenever the
29 designated crisis responder petitions for detention of an adolescent
30 under this chapter, an evaluation and treatment facility, secure
31 withdrawal management and stabilization facility, or approved
32 substance use disorder treatment program providing seventy-two hour
33 evaluation and treatment must immediately accept on a provisional
34 basis the petition and the person. Within twenty-four hours of the
35 adolescent's arrival, the facility must evaluate the adolescent's
36 condition and either admit or release the adolescent in accordance
37 with this chapter.

38 (5) A designated crisis responder may not petition for detention
39 of an adolescent to a secure withdrawal management and stabilization
40 facility or approved substance use disorder treatment program unless

1 there is a secure withdrawal management and stabilization facility or
2 approved substance use disorder treatment program available and that
3 has adequate space for the adolescent.

4 (6) If an adolescent is not approved for admission by the
5 inpatient evaluation and treatment facility, secure withdrawal
6 management and stabilization facility, or approved substance use
7 disorder treatment program, the facility shall make such
8 recommendations and referrals for further care and treatment of the
9 adolescent as necessary.

10 (7) Dismissal of a commitment petition is not the appropriate
11 remedy for a violation of the timeliness requirements of this
12 section, based on the purpose of this chapter under RCW 71.34.010,
13 except in the few cases where the facility staff or the designated
14 crisis responder have totally disregarded the requirements of this
15 section.

16 **Sec. 80.** RCW 71.34.710 and 2019 c 446 s 32 and 2019 c 381 s 16
17 are each reenacted and amended to read as follows:

18 (1) (a) ~~((i))~~ When a designated crisis responder receives
19 information that an adolescent as a result of a ~~((mental))~~ behavioral
20 health disorder presents a likelihood of serious harm or is gravely
21 disabled, has investigated the specific facts alleged and of the
22 credibility of the person or persons providing the information, and
23 has determined that voluntary admission for inpatient treatment is
24 not possible, the designated crisis responder may take the
25 adolescent, or cause the adolescent to be taken, into custody and
26 transported to an evaluation and treatment facility, secure
27 withdrawal management and stabilization facility, or approved
28 substance use disorder treatment program providing inpatient
29 treatment.

30 ~~((ii))~~ ~~When a designated crisis responder receives information~~
31 ~~that an adolescent as a result of a substance use disorder presents a~~
32 ~~likelihood of serious harm or is gravely disabled, has investigated~~
33 ~~the specific facts alleged and of the credibility of the person or~~
34 ~~persons providing the information, and has determined that voluntary~~
35 ~~admission for inpatient treatment is not possible, the designated~~
36 ~~crisis responder may take the adolescent, or cause the adolescent to~~
37 ~~be taken, into custody and transported to a secure withdrawal~~
38 ~~management and stabilization facility or approved substance use~~
39 ~~disorder treatment program, if))~~ A secure withdrawal management and

1 stabilization facility or approved substance use disorder treatment
2 program (~~(is)~~) must be available and (~~(has)~~) have adequate space for
3 the adolescent.

4 (b) If (~~(the adolescent is not taken into custody for evaluation~~
5 ~~and treatment, the parent who has custody of the adolescent may seek~~
6 ~~review of that decision made by the designated crisis responder in~~
7 ~~court. The parent shall file notice with the court and provide a copy~~
8 ~~of the designated crisis responder's report or notes)~~) a designated
9 crisis responder decides not to detain an adolescent for evaluation
10 and treatment under RCW 71.34.700(2), or forty-eight hours have
11 elapsed since a designated crisis responder received a request for
12 investigation and the designated crisis responder has not taken
13 action to have the adolescent detained, an immediate family member or
14 guardian or conservator of the adolescent may petition the superior
15 court for the adolescent's detention using the procedures under RCW
16 71.05.201 and 71.05.203; however, when the court enters an order of
17 initial detention, except as otherwise expressly stated in this
18 chapter, all procedures must be followed as if the order has been
19 entered under (a) of this subsection.

20 (2)(a) Within twelve hours of the adolescent's arrival at the
21 evaluation and treatment facility, secure withdrawal management and
22 stabilization facility, or approved substance use disorder treatment
23 program, the designated crisis responder shall serve on the
24 adolescent a copy of the petition for initial detention, notice of
25 initial detention, and statement of rights. The designated crisis
26 responder shall file with the court on the next judicial day
27 following the initial detention the original petition for initial
28 detention, notice of initial detention, and statement of rights along
29 with an affidavit of service. The designated crisis responder shall
30 commence service of the petition for initial detention and notice of
31 the initial detention on the adolescent's parent and the adolescent's
32 attorney as soon as possible following the initial detention.

33 (b) If the adolescent is involuntarily detained at an evaluation
34 and treatment facility, secure withdrawal management and
35 stabilization facility, or approved substance use disorder treatment
36 program in a different county from where the adolescent was initially
37 detained, the facility or program may serve the adolescent, notify
38 the adolescent's parents and the adolescent's attorney, and file with
39 the court on the next judicial day following the initial detention
40 the original petition for initial detention, notice of initial

1 detention, and statement of rights along with an affidavit of service
2 when filing with the court at the request of the designated crisis
3 responder.

4 (3) (a) At the time of initial detention, the designated crisis
5 responder shall advise the adolescent both orally and in writing that
6 if admitted to the evaluation and treatment facility, secure
7 withdrawal management and stabilization facility, or approved
8 substance use disorder treatment program for inpatient treatment, a
9 commitment hearing shall be held within (~~seventy-two~~) one hundred
10 twenty hours of the adolescent's provisional acceptance to determine
11 whether probable cause exists to commit the adolescent for further
12 treatment.

13 (b) The adolescent shall be advised that he or she has a right to
14 communicate immediately with an attorney and that he or she has a
15 right to have an attorney appointed to represent him or her before
16 and at the hearing if the adolescent is indigent.

17 (4) Subject to subsection (5) of this section, whenever the
18 designated crisis responder petitions for detention of an adolescent
19 under this chapter, an evaluation and treatment facility, secure
20 withdrawal management and stabilization facility, or approved
21 substance use disorder treatment program providing (~~seventy-two~~)
22 one hundred twenty hour evaluation and treatment must immediately
23 accept on a provisional basis the petition and the person. Within
24 twenty-four hours of the adolescent's arrival, the facility must
25 evaluate the adolescent's condition and either admit or release the
26 adolescent in accordance with this chapter.

27 (5) A designated crisis responder may not petition for detention
28 of an adolescent to a secure withdrawal management and stabilization
29 facility or approved substance use disorder treatment program unless
30 there is a secure withdrawal management and stabilization facility or
31 approved substance use disorder treatment program available and that
32 has adequate space for the adolescent.

33 (6) If an adolescent is not approved for admission by the
34 inpatient evaluation and treatment facility, secure withdrawal
35 management and stabilization facility, or approved substance use
36 disorder treatment program, the facility shall make such
37 recommendations and referrals for further care and treatment of the
38 adolescent as necessary.

39 (7) Dismissal of a commitment petition is not the appropriate
40 remedy for a violation of the timeliness requirements of this

1 section, based on the purpose of this chapter under RCW 71.34.010,
2 except in the few cases where the facility staff or the designated
3 crisis responder have totally disregarded the requirements of this
4 section.

5 **Sec. 81.** RCW 71.34.710 and 2019 c 446 s 33 and 2019 c 381 s 17
6 are each reenacted and amended to read as follows:

7 (1)(a) ~~((i))~~ When a designated crisis responder receives
8 information that an adolescent as a result of a ~~((mental))~~ behavioral
9 health disorder presents a likelihood of serious harm or is gravely
10 disabled, has investigated the specific facts alleged and of the
11 credibility of the person or persons providing the information, and
12 has determined that voluntary admission for inpatient treatment is
13 not possible, the designated crisis responder may take the
14 adolescent, or cause the adolescent to be taken, into custody and
15 transported to an evaluation and treatment facility, secure
16 withdrawal management and stabilization facility, or approved
17 substance use disorder treatment program providing inpatient
18 treatment.

19 ~~((ii) When a designated crisis responder receives information~~
20 ~~that an adolescent as a result of a substance use disorder presents a~~
21 ~~likelihood of serious harm or is gravely disabled, has investigated~~
22 ~~the specific facts alleged and of the credibility of the person or~~
23 ~~persons providing the information, and has determined that voluntary~~
24 ~~admission for inpatient treatment is not possible, the designated~~
25 ~~crisis responder may take the adolescent, or cause the adolescent to~~
26 ~~be taken, into custody and transported to a secure withdrawal~~
27 ~~management and stabilization facility or approved substance use~~
28 ~~disorder treatment program.))~~

29 (b) If ~~((the adolescent is not taken into custody for evaluation~~
30 ~~and treatment, the parent who has custody of the adolescent may seek~~
31 ~~review of that decision made by the designated crisis responder in~~
32 ~~court. The parent shall file notice with the court and provide a copy~~
33 ~~of the designated crisis responder's report or notes))~~ a designated
34 crisis responder decides not to detain an adolescent for evaluation
35 and treatment under RCW 71.34.700(2), or forty-eight hours have
36 elapsed since a designated crisis responder received a request for
37 investigation and the designated crisis responder has not taken
38 action to have the adolescent detained, an immediate family member or
39 guardian or conservator of the adolescent may petition the superior

1 court for the adolescent's detention using the procedures under RCW
2 71.05.201 and 71.05.203; however, when the court enters an order of
3 initial detention, except as otherwise expressly stated in this
4 chapter, all procedures must be followed as if the order has been
5 entered under (a) of this subsection.

6 (2)(a) Within twelve hours of the adolescent's arrival at the
7 evaluation and treatment facility, secure withdrawal management and
8 stabilization facility, or approved substance use disorder treatment
9 program, the designated crisis responder shall serve on the
10 adolescent a copy of the petition for initial detention, notice of
11 initial detention, and statement of rights. The designated crisis
12 responder shall file with the court on the next judicial day
13 following the initial detention the original petition for initial
14 detention, notice of initial detention, and statement of rights along
15 with an affidavit of service. The designated crisis responder shall
16 commence service of the petition for initial detention and notice of
17 the initial detention on the adolescent's parent and the adolescent's
18 attorney as soon as possible following the initial detention.

19 (b) If the adolescent is involuntarily detained at an evaluation
20 and treatment facility, secure withdrawal management and
21 stabilization facility, or approved substance use disorder treatment
22 program in a different county from where the adolescent was initially
23 detained, the facility or program may serve the adolescent, notify
24 the adolescent's parents and the adolescent's attorney, and file with
25 the court on the next judicial day following the initial detention
26 the original petition for initial detention, notice of initial
27 detention, and statement of rights along with an affidavit of service
28 when filing with the court at the request of the designated crisis
29 responder.

30 (3)(a) At the time of initial detention, the designated crisis
31 responder shall advise the adolescent both orally and in writing that
32 if admitted to the evaluation and treatment facility, secure
33 withdrawal management and stabilization facility, or approved
34 substance use disorder treatment program for inpatient treatment, a
35 commitment hearing shall be held within (~~seventy-two~~) one hundred
36 twenty hours of the adolescent's provisional acceptance to determine
37 whether probable cause exists to commit the adolescent for further
38 treatment.

39 (b) The adolescent shall be advised that he or she has a right to
40 communicate immediately with an attorney and that he or she has a

1 right to have an attorney appointed to represent him or her before
2 and at the hearing if the adolescent is indigent.

3 (4) Whenever the designated crisis responder petitions for
4 detention of an adolescent under this chapter, an evaluation and
5 treatment facility, secure withdrawal management and stabilization
6 facility, or approved substance use disorder treatment program
7 providing (~~seventy-two~~) one hundred twenty hour evaluation and
8 treatment must immediately accept on a provisional basis the petition
9 and the person. Within twenty-four hours of the adolescent's arrival,
10 the facility must evaluate the adolescent's condition and either
11 admit or release the adolescent in accordance with this chapter.

12 (5) If an adolescent is not approved for admission by the
13 inpatient evaluation and treatment facility, secure withdrawal
14 management and stabilization facility, or approved substance use
15 disorder treatment program, the facility shall make such
16 recommendations and referrals for further care and treatment of the
17 adolescent as necessary.

18 (6) Dismissal of a commitment petition is not the appropriate
19 remedy for a violation of the timeliness requirements of this
20 section, based on the purpose of this chapter under RCW 71.34.010,
21 except in the few cases where the facility staff or the designated
22 crisis responder have totally disregarded the requirements of this
23 section.

24 **Sec. 82.** RCW 71.34.720 and 2019 c 446 s 34 and 2019 c 444 s 18
25 are each reenacted and amended to read as follows:

26 (1) Each minor approved by the facility for inpatient admission
27 shall be examined and evaluated by a children's mental health
28 specialist, for minors admitted as a result of a mental disorder, or
29 by a substance use disorder professional or co-occurring disorder
30 specialist, for minors admitted as a result of a substance use
31 disorder, as to the child's mental condition and by a physician,
32 physician assistant, or psychiatric advanced registered nurse
33 practitioner as to the child's physical condition within twenty-four
34 hours of admission. Reasonable measures shall be taken to ensure
35 medical treatment is provided for any condition requiring immediate
36 medical attention.

37 (2) If, after examination and evaluation, the children's mental
38 health specialist or substance use disorder specialist and the
39 physician, physician assistant, or psychiatric advanced registered

1 nurse practitioner determine that the initial needs of the minor, if
2 detained to an evaluation and treatment facility, would be better
3 served by placement in a substance use disorder treatment program or,
4 if detained to a secure withdrawal management and stabilization
5 facility or approved substance use disorder treatment program, would
6 be better served in an evaluation and treatment facility, then the
7 minor shall be referred to the more appropriate placement; however a
8 minor may only be referred to a secure withdrawal management and
9 stabilization facility or approved substance use disorder treatment
10 program if there is a secure withdrawal management and stabilization
11 facility or approved substance use disorder treatment program
12 available and that has adequate space for the minor.

13 (3) The admitting facility shall take reasonable steps to notify
14 immediately the minor's parent of the admission.

15 (4) During the initial seventy-two hour treatment period, the
16 minor has a right to associate or receive communications from parents
17 or others unless the professional person in charge determines that
18 such communication would be seriously detrimental to the minor's
19 condition or treatment and so indicates in the minor's clinical
20 record, and notifies the minor's parents of this determination. (~~if~~
21 ~~no event may the minor~~) A minor must not be denied the opportunity
22 to consult an attorney unless there is an immediate risk of harm to
23 the minor or others.

24 (5) If the evaluation and treatment facility, secure withdrawal
25 management and stabilization facility, or approved substance use
26 disorder treatment program admits the minor, it may detain the minor
27 for evaluation and treatment for a period not to exceed seventy-two
28 hours from the time of provisional acceptance. The computation of
29 such seventy-two hour period shall exclude Saturdays, Sundays, and
30 holidays. This initial treatment period shall not exceed seventy-two
31 hours except when an application for voluntary inpatient treatment is
32 received or a petition for fourteen-day commitment is filed.

33 (6) Within twelve hours of the admission, the facility shall
34 advise the minor of his or her rights as set forth in this chapter.

35 **Sec. 83.** RCW 71.34.720 and 2019 c 446 s 34 and 2019 c 444 s 18
36 are each reenacted and amended to read as follows:

37 (1) Each minor approved by the facility for inpatient admission
38 shall be examined and evaluated by a children's mental health
39 specialist, for minors admitted as a result of a mental disorder, or

1 by a substance use disorder professional or co-occurring disorder
2 specialist, for minors admitted as a result of a substance use
3 disorder, as to the child's mental condition and by a physician,
4 physician assistant, or psychiatric advanced registered nurse
5 practitioner as to the child's physical condition within twenty-four
6 hours of admission. Reasonable measures shall be taken to ensure
7 medical treatment is provided for any condition requiring immediate
8 medical attention.

9 (2) If, after examination and evaluation, the children's mental
10 health specialist or substance use disorder specialist and the
11 physician, physician assistant, or psychiatric advanced registered
12 nurse practitioner determine that the initial needs of the minor, if
13 detained to an evaluation and treatment facility, would be better
14 served by placement in a substance use disorder treatment program or,
15 if detained to a secure withdrawal management and stabilization
16 facility or approved substance use disorder treatment program, would
17 be better served in an evaluation and treatment facility, then the
18 minor shall be referred to the more appropriate placement; however a
19 minor may only be referred to a secure withdrawal management and
20 stabilization facility or approved substance use disorder treatment
21 program if there is a secure withdrawal management and stabilization
22 facility or approved substance use disorder treatment program
23 available and that has adequate space for the minor.

24 (3) The admitting facility shall take reasonable steps to notify
25 immediately the minor's parent of the admission.

26 (4) During the initial (~~seventy-two~~) one hundred twenty hour
27 treatment period, the minor has a right to associate or receive
28 communications from parents or others unless the professional person
29 in charge determines that such communication would be seriously
30 detrimental to the minor's condition or treatment and so indicates in
31 the minor's clinical record, and notifies the minor's parents of this
32 determination. (~~In no event may the minor~~) A minor must not be
33 denied the opportunity to consult an attorney unless there is an
34 immediate risk of harm to the minor or others.

35 (5) If the evaluation and treatment facility, secure withdrawal
36 management and stabilization facility, or approved substance use
37 disorder treatment program admits the minor, it may detain the minor
38 for evaluation and treatment for a period not to exceed (~~seventy-~~
39 ~~two~~) one hundred twenty hours from the time of provisional
40 acceptance. The computation of such (~~seventy-two~~) one hundred

1 twenty hour period shall exclude Saturdays, Sundays, and holidays.
2 This initial treatment period shall not exceed (~~seventy-two~~) one
3 hundred twenty hours except when an application for voluntary
4 inpatient treatment is received or a petition for fourteen-day
5 commitment is filed.

6 (6) Within twelve hours of the admission, the facility shall
7 advise the minor of his or her rights as set forth in this chapter.

8 **Sec. 84.** RCW 71.34.720 and 2019 c 446 s 35 and 2019 c 444 s 19
9 are each reenacted and amended to read as follows:

10 (1) Each minor approved by the facility for inpatient admission
11 shall be examined and evaluated by a children's mental health
12 specialist, for minors admitted as a result of a mental disorder, or
13 by a substance use disorder professional or co-occurring disorder
14 specialist, for minors admitted as a result of a substance use
15 disorder, as to the child's mental condition and by a physician,
16 physician assistant, or psychiatric advanced registered nurse
17 practitioner as to the child's physical condition within twenty-four
18 hours of admission. Reasonable measures shall be taken to ensure
19 medical treatment is provided for any condition requiring immediate
20 medical attention.

21 (2) If, after examination and evaluation, the children's mental
22 health specialist or substance use disorder specialist and the
23 physician, physician assistant, or psychiatric advanced registered
24 nurse practitioner determine that the initial needs of the minor, if
25 detained to an evaluation and treatment facility, would be better
26 served by placement in a substance use disorder treatment program or,
27 if detained to a secure withdrawal management and stabilization
28 facility or approved substance use disorder treatment program, would
29 be better served in an evaluation and treatment facility, then the
30 minor shall be referred to the more appropriate placement.

31 (3) The admitting facility shall take reasonable steps to notify
32 immediately the minor's parent of the admission.

33 (4) During the initial (~~seventy-two~~) one hundred twenty hour
34 treatment period, the minor has a right to associate or receive
35 communications from parents or others unless the professional person
36 in charge determines that such communication would be seriously
37 detrimental to the minor's condition or treatment and so indicates in
38 the minor's clinical record, and notifies the minor's parents of this
39 determination. (~~In no event may the minor~~) A minor must not be

1 denied the opportunity to consult an attorney unless there is an
2 immediate risk of harm to the minor or others.

3 (5) If the evaluation and treatment facility, secure withdrawal
4 management and stabilization facility, or approved substance use
5 disorder treatment program admits the minor, it may detain the minor
6 for evaluation and treatment for a period not to exceed (~~seventy-~~
7 ~~two~~) one hundred twenty hours from the time of provisional
8 acceptance. The computation of such (~~seventy-two~~) one hundred
9 twenty hour period shall exclude Saturdays, Sundays, and holidays.
10 This initial treatment period shall not exceed (~~seventy-two~~) one
11 hundred twenty hours except when an application for voluntary
12 inpatient treatment is received or a petition for fourteen-day
13 commitment is filed.

14 (6) Within twelve hours of the admission, the facility shall
15 advise the minor of his or her rights as set forth in this chapter.

16 **Sec. 85.** RCW 71.34.730 and 2019 c 446 s 36 are each amended to
17 read as follows:

18 (1) The professional person in charge of an evaluation and
19 treatment facility, secure withdrawal management and stabilization
20 facility, or approved substance use disorder treatment program where
21 a minor has been admitted involuntarily for the initial seventy-two
22 hour treatment period under this chapter may petition to have a minor
23 committed to an evaluation and treatment facility (~~(or, in the case~~
24 ~~of a minor with a substance use disorder, to)), a secure withdrawal
25 management and stabilization facility, or an approved substance use
26 disorder treatment program for fourteen-day diagnosis, evaluation,
27 and treatment.~~

28 If the professional person in charge of the facility does not
29 petition to have the minor committed, the parent who has custody of
30 the minor may seek review of that decision in court. The parent shall
31 file notice with the court and provide a copy of the treatment and
32 evaluation facility's report.

33 (2) A petition for commitment of a minor under this section shall
34 be filed with the superior court in the county where the minor is
35 (~~residing or~~) being detained.

36 (a) A petition for a fourteen-day commitment shall be signed by:

37 (i) One physician, physician assistant, or psychiatric advanced
38 registered nurse practitioner; and

1 (ii) One physician, physician assistant, psychiatric advanced
2 registered nurse practitioner, or mental health professional.

3 (b) If the petition is for substance use disorder treatment, the
4 petition may be signed by a (~~chemical dependency~~) substance use
5 disorder professional instead of a mental health professional and by
6 an advanced registered nurse practitioner instead of a psychiatric
7 advanced registered nurse practitioner. The person signing the
8 petition must have examined the minor, and the petition must contain
9 the following:

10 (i) The name and address of the petitioner;

11 (ii) The name of the minor alleged to meet the criteria for
12 fourteen-day commitment;

13 (iii) The name, telephone number, and address if known of every
14 person believed by the petitioner to be legally responsible for the
15 minor;

16 (iv) A statement that the petitioner has examined the minor and
17 finds that the minor's condition meets required criteria for
18 fourteen-day commitment and the supporting facts therefor;

19 (v) A statement that the minor has been advised of the need for
20 voluntary treatment but has been unwilling or unable to consent to
21 necessary treatment;

22 (vi) If the petition is for mental health treatment, a statement
23 that the minor has been advised of the loss of firearm rights if
24 involuntarily committed;

25 (vii) A statement recommending the appropriate facility or
26 facilities to provide the necessary treatment; and

27 (viii) A statement concerning whether a less restrictive
28 alternative to inpatient treatment is in the best interests of the
29 minor.

30 (c) A copy of the petition shall be personally (~~delivered to~~)
31 served on the minor by the petitioner or petitioner's designee. A
32 copy of the petition shall be (~~sent~~) provided to the minor's
33 attorney and the minor's parent.

34 **Sec. 86.** RCW 71.34.730 and 2019 c 446 s 36 are each amended to
35 read as follows:

36 (1) The professional person in charge of an evaluation and
37 treatment facility, secure withdrawal management and stabilization
38 facility, or approved substance use disorder treatment program where
39 a minor has been admitted involuntarily for the initial (~~seventy-~~

1 ~~two~~) one hundred twenty hour treatment period under this chapter may
2 petition to have a minor committed to an evaluation and treatment
3 facility (~~or, in the case of a minor with a substance use disorder,~~
4 ~~to~~), a secure withdrawal management and stabilization facility, or
5 an approved substance use disorder treatment program for fourteen-day
6 diagnosis, evaluation, and treatment.

7 If the professional person in charge of the facility does not
8 petition to have the minor committed, the parent who has custody of
9 the minor may seek review of that decision in court. The parent shall
10 file notice with the court and provide a copy of the treatment and
11 evaluation facility's report.

12 (2) A petition for commitment of a minor under this section shall
13 be filed with the superior court in the county where the minor is
14 (~~residing or~~) being detained.

15 (a) A petition for a fourteen-day commitment shall be signed by:

16 (i) One physician, physician assistant, or psychiatric advanced
17 registered nurse practitioner; and

18 (ii) One physician, physician assistant, psychiatric advanced
19 registered nurse practitioner, or mental health professional.

20 (b) If the petition is for substance use disorder treatment, the
21 petition may be signed by a (~~chemical dependency~~) substance use
22 disorder professional instead of a mental health professional and by
23 an advanced registered nurse practitioner instead of a psychiatric
24 advanced registered nurse practitioner. The person signing the
25 petition must have examined the minor, and the petition must contain
26 the following:

27 (i) The name and address of the petitioner;

28 (ii) The name of the minor alleged to meet the criteria for
29 fourteen-day commitment;

30 (iii) The name, telephone number, and address if known of every
31 person believed by the petitioner to be legally responsible for the
32 minor;

33 (iv) A statement that the petitioner has examined the minor and
34 finds that the minor's condition meets required criteria for
35 fourteen-day commitment and the supporting facts therefor;

36 (v) A statement that the minor has been advised of the need for
37 voluntary treatment but has been unwilling or unable to consent to
38 necessary treatment;

1 (vi) If the petition is for mental health treatment, a statement
2 that the minor has been advised of the loss of firearm rights if
3 involuntarily committed;

4 (vii) A statement recommending the appropriate facility or
5 facilities to provide the necessary treatment; and

6 (viii) A statement concerning whether a less restrictive
7 alternative to inpatient treatment is in the best interests of the
8 minor.

9 (c) A copy of the petition shall be personally ~~((delivered to))~~
10 served on the minor by the petitioner or petitioner's designee. A
11 copy of the petition shall be ~~((sent))~~ provided to the minor's
12 attorney and the minor's parent.

13 NEW SECTION. **Sec. 87.** A new section is added to chapter 71.34
14 RCW to read as follows:

15 (1) In any proceeding for involuntary commitment under this
16 chapter, the court may continue or postpone such proceeding for a
17 reasonable time on motion of the respondent for good cause, or on
18 motion of the prosecuting attorney or the attorney general if:

19 (a) The respondent expressly consents to a continuance or delay
20 and there is a showing of good cause; or

21 (b) Such continuance is required in the proper administration of
22 justice and the respondent will not be substantially prejudiced in
23 the presentation of the respondent's case.

24 (2) The court may on its own motion continue the case when
25 required in due administration of justice and when the respondent
26 will not be substantially prejudiced in the presentation of the
27 respondent's case.

28 (3) The court shall state in any order of continuance or
29 postponement the grounds for the continuance or postponement and
30 whether detention will be extended.

31 **Sec. 88.** RCW 71.34.740 and 2019 c 446 s 37 are each amended to
32 read as follows:

33 (1) A commitment hearing shall be held within seventy-two hours
34 of the minor's admission, excluding Saturday, Sunday, and holidays,
35 unless a continuance is ~~((requested by the minor or the minor's~~
36 attorney)) ordered under section 87 of this act.

1 (2) The commitment hearing shall be conducted at the superior
2 court or an appropriate place at the facility in which the minor is
3 being detained.

4 (3) At the commitment hearing, the evidence in support of the
5 petition shall be presented by the county prosecutor.

6 (4) The minor shall be present at the commitment hearing unless
7 the minor, with the assistance of the minor's attorney, waives the
8 right to be present at the hearing.

9 (5) If the parents are opposed to the petition, they may be
10 represented at the hearing and shall be entitled to court-appointed
11 counsel if they are indigent.

12 (6) At the commitment hearing, the minor shall have the following
13 rights:

14 (a) To be represented by an attorney;

15 (b) To present evidence on his or her own behalf;

16 (c) To question persons testifying in support of the petition.

17 (7) If the hearing is for commitment for mental health treatment,
18 the court at the time of the commitment hearing and before an order
19 of commitment is entered shall inform the minor both orally and in
20 writing that the failure to make a good faith effort to seek
21 voluntary treatment as provided in RCW 71.34.730 will result in the
22 loss of his or her firearm rights if the minor is subsequently
23 detained for involuntary treatment under this section.

24 (8) If the minor has received medication within twenty-four hours
25 of the hearing, the court shall be informed of that fact and of the
26 probable effects of the medication.

27 (9) ~~((Rules of evidence shall not apply in fourteen-day
28 commitment hearings.~~

29 ~~(10))~~ For a fourteen-day commitment, the court must find by a
30 preponderance of the evidence that:

31 (a) The minor has a ~~((mental disorder or substance use))~~
32 behavioral health disorder and presents a likelihood of serious harm
33 or is gravely disabled;

34 (b) The minor is in need of evaluation and treatment of the type
35 provided by the inpatient evaluation and treatment facility, secure
36 withdrawal management and stabilization facility, or approved
37 substance use disorder treatment program to which continued inpatient
38 care is sought or is in need of less restrictive alternative
39 treatment found to be in the best interests of the minor or others;

1 (c) The minor is unwilling or unable in good faith to consent to
2 voluntary treatment; and

3 (d) If commitment is for a substance use disorder, there is an
4 available secure withdrawal management and stabilization facility or
5 approved substance use disorder treatment program with adequate space
6 for the minor.

7 ~~((11))~~ (10) If the court finds that the minor meets the
8 criteria for a fourteen-day commitment, the court shall either
9 authorize commitment of the minor for inpatient treatment or for less
10 restrictive alternative treatment upon such conditions as are
11 necessary. If the court determines that the minor does not meet the
12 criteria for a fourteen-day commitment, the minor shall be released.

13 ~~((12))~~ (11)(a) Nothing in this section prohibits the
14 professional person in charge of the facility from releasing the
15 minor at any time, when, in the opinion of the professional person in
16 charge of the facility, further inpatient treatment is no longer
17 necessary. The release may be subject to reasonable conditions if
18 appropriate.

19 (b) Whenever a minor is released under this section, the
20 professional person in charge shall within three days, notify the
21 court in writing of the release.

22 ~~((13))~~ (12) A minor who has been committed for fourteen days
23 shall be released at the end of that period unless a petition for one
24 hundred eighty-day commitment is pending before the court.

25 **Sec. 89.** RCW 71.34.740 and 2019 c 446 s 37 are each amended to
26 read as follows:

27 (1) A commitment hearing shall be held within ~~((seventy-two))~~ one
28 hundred twenty hours of the minor's admission, excluding Saturday,
29 Sunday, and holidays, unless a continuance is ~~((requested by the~~
30 ~~minor or the minor's attorney))~~ ordered under section 87 of this act.

31 (2) The commitment hearing shall be conducted at the superior
32 court or an appropriate place at the facility in which the minor is
33 being detained.

34 (3) At the commitment hearing, the evidence in support of the
35 petition shall be presented by the county prosecutor.

36 (4) The minor shall be present at the commitment hearing unless
37 the minor, with the assistance of the minor's attorney, waives the
38 right to be present at the hearing.

1 (5) If the parents are opposed to the petition, they may be
2 represented at the hearing and shall be entitled to court-appointed
3 counsel if they are indigent.

4 (6) At the commitment hearing, the minor shall have the following
5 rights:

6 (a) To be represented by an attorney;

7 (b) To present evidence on his or her own behalf;

8 (c) To question persons testifying in support of the petition.

9 (7) If the hearing is for commitment for mental health treatment,
10 the court at the time of the commitment hearing and before an order
11 of commitment is entered shall inform the minor both orally and in
12 writing that the failure to make a good faith effort to seek
13 voluntary treatment as provided in RCW 71.34.730 will result in the
14 loss of his or her firearm rights if the minor is subsequently
15 detained for involuntary treatment under this section.

16 (8) If the minor has received medication within twenty-four hours
17 of the hearing, the court shall be informed of that fact and of the
18 probable effects of the medication.

19 ~~((Rules of evidence shall not apply in fourteen-day
20 commitment hearings.~~

21 ~~(10))~~ For a fourteen-day commitment, the court must find by a
22 preponderance of the evidence that:

23 (a) The minor has a ~~((mental disorder or substance use))~~
24 behavioral health disorder and presents a likelihood of serious harm
25 or is gravely disabled;

26 (b) The minor is in need of evaluation and treatment of the type
27 provided by the inpatient evaluation and treatment facility, secure
28 withdrawal management and stabilization facility, or approved
29 substance use disorder treatment program to which continued inpatient
30 care is sought or is in need of less restrictive alternative
31 treatment found to be in the best interests of the minor or others;

32 (c) The minor is unwilling or unable in good faith to consent to
33 voluntary treatment; and

34 (d) If commitment is for a substance use disorder, there is an
35 available secure withdrawal management and stabilization facility or
36 approved substance use disorder treatment program with adequate space
37 for the minor.

38 ~~((11))~~ (10) If the court finds that the minor meets the
39 criteria for a fourteen-day commitment, the court shall either
40 authorize commitment of the minor for inpatient treatment or for less

1 restrictive alternative treatment upon such conditions as are
2 necessary. If the court determines that the minor does not meet the
3 criteria for a fourteen-day commitment, the minor shall be released.

4 ~~((12))~~ (11)(a) Nothing in this section prohibits the
5 professional person in charge of the facility from releasing the
6 minor at any time, when, in the opinion of the professional person in
7 charge of the facility, further inpatient treatment is no longer
8 necessary. The release may be subject to reasonable conditions if
9 appropriate.

10 (b) Whenever a minor is released under this section, the
11 professional person in charge shall within three days, notify the
12 court in writing of the release.

13 ~~((13))~~ (12) A minor who has been committed for fourteen days
14 shall be released at the end of that period unless a petition for one
15 hundred eighty-day commitment is pending before the court.

16 **Sec. 90.** RCW 71.34.740 and 2019 c 446 s 38 are each amended to
17 read as follows:

18 (1) A commitment hearing shall be held within ~~((seventy-two))~~ one
19 hundred twenty hours of the minor's admission, excluding Saturday,
20 Sunday, and holidays, unless a continuance is ~~((requested by the~~
21 ~~minor or the minor's attorney))~~ ordered under section 87 of this act.

22 (2) The commitment hearing shall be conducted at the superior
23 court or an appropriate place at the facility in which the minor is
24 being detained.

25 (3) At the commitment hearing, the evidence in support of the
26 petition shall be presented by the county prosecutor.

27 (4) The minor shall be present at the commitment hearing unless
28 the minor, with the assistance of the minor's attorney, waives the
29 right to be present at the hearing.

30 (5) If the parents are opposed to the petition, they may be
31 represented at the hearing and shall be entitled to court-appointed
32 counsel if they are indigent.

33 (6) At the commitment hearing, the minor shall have the following
34 rights:

35 (a) To be represented by an attorney;

36 (b) To present evidence on his or her own behalf;

37 (c) To question persons testifying in support of the petition.

38 (7) If the hearing is for commitment for mental health treatment,
39 the court at the time of the commitment hearing and before an order

1 of commitment is entered shall inform the minor both orally and in
2 writing that the failure to make a good faith effort to seek
3 voluntary treatment as provided in RCW 71.34.730 will result in the
4 loss of his or her firearm rights if the minor is subsequently
5 detained for involuntary treatment under this section.

6 (8) If the minor has received medication within twenty-four hours
7 of the hearing, the court shall be informed of that fact and of the
8 probable effects of the medication.

9 ~~((Rules of evidence shall not apply in fourteen-day
10 commitment hearings.~~

11 ~~(10))~~ For a fourteen-day commitment, the court must find by a
12 preponderance of the evidence that:

13 (a) The minor has a ~~((mental disorder or substance use))~~
14 behavioral health disorder and presents a likelihood of serious harm
15 or is gravely disabled;

16 (b) The minor is in need of evaluation and treatment of the type
17 provided by the inpatient evaluation and treatment facility, secure
18 withdrawal management and stabilization facility, or approved
19 substance use disorder treatment program to which continued inpatient
20 care is sought or is in need of less restrictive alternative
21 treatment found to be in the best interests of the minor or others;
22 and

23 (c) The minor is unwilling or unable in good faith to consent to
24 voluntary treatment.

25 ~~((11))~~ (10) If the court finds that the minor meets the
26 criteria for a fourteen-day commitment, the court shall either
27 authorize commitment of the minor for inpatient treatment or for less
28 restrictive alternative treatment upon such conditions as are
29 necessary. If the court determines that the minor does not meet the
30 criteria for a fourteen-day commitment, the minor shall be released.

31 ~~((12))~~ (11)(a) Nothing in this section prohibits the
32 professional person in charge of the facility from releasing the
33 minor at any time, when, in the opinion of the professional person in
34 charge of the facility, further inpatient treatment is no longer
35 necessary. The release may be subject to reasonable conditions if
36 appropriate.

37 (b) Whenever a minor is released under this section, the
38 professional person in charge shall within three days, notify the
39 court in writing of the release.

1 (~~(13)~~) (12) A minor who has been committed for fourteen days
2 shall be released at the end of that period unless a petition for one
3 hundred eighty-day commitment is pending before the court.

4 **Sec. 91.** RCW 71.34.750 and 2019 c 446 s 39 and 2019 c 325 s 2008
5 are each reenacted and amended to read as follows:

6 (1) At any time during the minor's period of fourteen-day
7 commitment, the professional person in charge may petition the court
8 for an order requiring the minor to undergo an additional one hundred
9 eighty-day period of treatment. The evidence in support of the
10 petition shall be presented by the county prosecutor unless the
11 petition is filed by the professional person in charge of a state-
12 operated facility in which case the evidence shall be presented by
13 the attorney general.

14 (2) The petition for one hundred eighty-day commitment shall
15 contain the following:

16 (a) The name and address of the petitioner or petitioners;

17 (b) The name of the minor alleged to meet the criteria for one
18 hundred eighty-day commitment;

19 (c) A statement that the petitioner is the professional person in
20 charge of the evaluation and treatment facility, secure withdrawal
21 management and stabilization facility, or approved substance use
22 disorder treatment program responsible for the treatment of the
23 minor;

24 (d) The date of the fourteen-day commitment order; and

25 (e) A summary of the facts supporting the petition.

26 (3) The petition shall be supported by accompanying affidavits
27 signed by: (a) Two examining physicians, one of whom shall be a child
28 psychiatrist, or two psychiatric advanced registered nurse
29 practitioners, one of whom shall be a child and adolescent or family
30 psychiatric advanced registered nurse practitioner. If the petition
31 is for substance use disorder treatment, the petition may be signed
32 by a (~~chemical dependency~~) substance use disorder professional
33 instead of a mental health professional and by an advanced registered
34 nurse practitioner instead of a psychiatric advanced registered nurse
35 practitioner, or two physician assistants, one of whom must be
36 supervised by a child psychiatrist; (b) one children's mental health
37 specialist and either an examining physician, physician assistant, or
38 a psychiatric advanced registered nurse practitioner; or (c) two
39 among an examining physician, physician assistant, and a psychiatric

1 advanced registered nurse practitioner, one of which needs to be a
2 child psychiatrist, a physician assistant supervised by a child
3 psychiatrist, or a child and adolescent psychiatric nurse
4 practitioner. The affidavits shall describe in detail the behavior of
5 the detained minor which supports the petition and shall state
6 whether a less restrictive alternative to inpatient treatment is in
7 the best interests of the minor.

8 (4) The petition for one hundred eighty-day commitment shall be
9 filed with the clerk of the court at least three days before the
10 expiration of the fourteen-day commitment period. The petitioner or
11 the petitioner's designee shall within twenty-four hours of filing
12 serve a copy of the petition on the minor and notify the minor's
13 attorney and the minor's parent. A copy of the petition shall be
14 provided to such persons at least twenty-four hours prior to the
15 hearing.

16 (5) At the time of filing, the court shall set a date within
17 seven days for the hearing on the petition. (~~The court may continue~~
18 ~~the hearing upon the written request of the minor or the minor's~~
19 ~~attorney for not more than ten days.)) If the hearing is not
20 commenced within thirty days after the filing of the petition,
21 including extensions of time requested by the detained person or his
22 or her attorney or the court in the administration of justice under
23 section 87 of this act, the minor must be released. The minor or the
24 parents shall be afforded the same rights as in a fourteen-day
25 commitment hearing. Treatment of the minor shall continue pending the
26 proceeding.~~

27 (6) For one hundred eighty-day commitment:

28 (a) The court must find by clear, cogent, and convincing evidence
29 that the minor:

30 (i) Is suffering from a mental disorder or substance use
31 disorder;

32 (ii) Presents a likelihood of serious harm or is gravely
33 disabled; and

34 (iii) Is in need of further treatment that only can be provided
35 in a one hundred eighty-day commitment.

36 (b) If commitment is for a substance use disorder, the court must
37 find that there is an available approved substance use disorder
38 treatment program that has adequate space for the minor.

39 (7) In determining whether an inpatient or less restrictive
40 alternative commitment is appropriate, great weight must be given to

1 evidence of a prior history or pattern of decompensation and
2 discontinuation of treatment resulting in: (a) Repeated
3 hospitalizations; or (b) repeated peace officer interventions
4 resulting in juvenile charges. Such evidence may be used to provide a
5 factual basis for concluding that the minor would not receive, if
6 released, such care as is essential for his or her health or safety.

7 (8)(a) If the court finds that the criteria for commitment are
8 met and that less restrictive treatment in a community setting is not
9 appropriate or available, the court shall order the minor committed
10 to the custody of the director for further inpatient mental health
11 treatment, to an approved substance use disorder treatment program
12 for further substance use disorder treatment, or to a private
13 treatment and evaluation facility for inpatient mental health or
14 substance use disorder treatment if the minor's parents have assumed
15 responsibility for payment for the treatment. If the court finds that
16 a less restrictive alternative is in the best interest of the minor,
17 the court shall order less restrictive alternative treatment upon
18 such conditions as necessary.

19 (b) If the court determines that the minor does not meet the
20 criteria for one hundred eighty-day commitment, the minor shall be
21 released.

22 ~~((+8))~~ (9) Successive one hundred eighty-day commitments are
23 permissible on the same grounds and under the same procedures as the
24 original one hundred eighty-day commitment. Such petitions shall be
25 filed at least ~~((five))~~ three days prior to the expiration of the
26 previous one hundred eighty-day commitment order.

27 **Sec. 92.** RCW 71.34.750 and 2019 c 446 s 40 and 2019 c 325 s 2009
28 are each reenacted and amended to read as follows:

29 (1) At any time during the minor's period of fourteen-day
30 commitment, the professional person in charge may petition the court
31 for an order requiring the minor to undergo an additional one hundred
32 eighty-day period of treatment. The evidence in support of the
33 petition shall be presented by the county prosecutor unless the
34 petition is filed by the professional person in charge of a state-
35 operated facility in which case the evidence shall be presented by
36 the attorney general.

37 (2) The petition for one hundred eighty-day commitment shall
38 contain the following:

39 (a) The name and address of the petitioner or petitioners;

1 (b) The name of the minor alleged to meet the criteria for one
2 hundred eighty-day commitment;

3 (c) A statement that the petitioner is the professional person in
4 charge of the evaluation and treatment facility, secure withdrawal
5 management and stabilization facility, or approved substance use
6 disorder treatment program responsible for the treatment of the
7 minor;

8 (d) The date of the fourteen-day commitment order; and

9 (e) A summary of the facts supporting the petition.

10 (3) The petition shall be supported by accompanying affidavits
11 signed by: (a) Two examining physicians, one of whom shall be a child
12 psychiatrist, or two psychiatric advanced registered nurse
13 practitioners, one of whom shall be a child and adolescent or family
14 psychiatric advanced registered nurse practitioner. If the petition
15 is for substance use disorder treatment, the petition may be signed
16 by a (~~chemical dependency~~) substance use disorder professional
17 instead of a mental health professional and by an advanced registered
18 nurse practitioner instead of a psychiatric advanced registered nurse
19 practitioner, or two physician assistants, one of whom must be
20 supervised by a child psychiatrist; (b) one children's mental health
21 specialist and either an examining physician, physician assistant, or
22 a psychiatric advanced registered nurse practitioner; or (c) two
23 among an examining physician, physician assistant, and a psychiatric
24 advanced registered nurse practitioner, one of which needs to be a
25 child psychiatrist, a physician assistant supervised by a child
26 psychiatrist, or a child and adolescent psychiatric nurse
27 practitioner. The affidavits shall describe in detail the behavior of
28 the detained minor which supports the petition and shall state
29 whether a less restrictive alternative to inpatient treatment is in
30 the best interests of the minor.

31 (4) The petition for one hundred eighty-day commitment shall be
32 filed with the clerk of the court at least three days before the
33 expiration of the fourteen-day commitment period. The petitioner or
34 the petitioner's designee shall within twenty-four hours of filing
35 serve a copy of the petition on the minor and notify the minor's
36 attorney and the minor's parent. A copy of the petition shall be
37 provided to such persons at least twenty-four hours prior to the
38 hearing.

39 (5) At the time of filing, the court shall set a date within
40 seven days for the hearing on the petition. (~~The court may continue~~

1 ~~the hearing upon the written request of the minor or the minor's~~
2 ~~attorney for not more than ten days.)~~ If the hearing is not
3 commenced within thirty days after the filing of the petition,
4 including extensions of time requested by the detained person or his
5 or her attorney or the court in the administration of justice under
6 section 87 of this act, the minor must be released. The minor or the
7 parents shall be afforded the same rights as in a fourteen-day
8 commitment hearing. Treatment of the minor shall continue pending the
9 proceeding.

10 (6) For one hundred eighty-day commitment, the court must find by
11 clear, cogent, and convincing evidence that the minor:

12 (a) Is suffering from a mental disorder or substance use
13 disorder;

14 (b) Presents a likelihood of serious harm or is gravely disabled;
15 and

16 (c) Is in need of further treatment that only can be provided in
17 a one hundred eighty-day commitment.

18 (7) In determining whether an inpatient or less restrictive
19 alternative commitment is appropriate, great weight must be given to
20 evidence of a prior history or pattern of decompensation and
21 discontinuation of treatment resulting in: (a) Repeated
22 hospitalizations; or (b) repeated peace officer interventions
23 resulting in juvenile charges. Such evidence may be used to provide a
24 factual basis for concluding that the minor would not receive, if
25 released, such care as is essential for his or her health or safety.

26 (8)(a) If the court finds that the criteria for commitment are
27 met and that less restrictive treatment in a community setting is not
28 appropriate or available, the court shall order the minor committed
29 to the custody of the director for further inpatient mental health
30 treatment, to an approved substance use disorder treatment program
31 for further substance use disorder treatment, or to a private
32 treatment and evaluation facility for inpatient mental health or
33 substance use disorder treatment if the minor's parents have assumed
34 responsibility for payment for the treatment. If the court finds that
35 a less restrictive alternative is in the best interest of the minor,
36 the court shall order less restrictive alternative treatment upon
37 such conditions as necessary.

38 (b) If the court determines that the minor does not meet the
39 criteria for one hundred eighty-day commitment, the minor shall be
40 released.

1 (~~(8)~~) (9) Successive one hundred eighty-day commitments are
2 permissible on the same grounds and under the same procedures as the
3 original one hundred eighty-day commitment. Such petitions shall be
4 filed at least (~~(five)~~) three days prior to the expiration of the
5 previous one hundred eighty-day commitment order.

6 NEW SECTION. **Sec. 93.** A new section is added to chapter 71.34
7 RCW to read as follows:

8 (1) Less restrictive alternative treatment, at a minimum, must
9 include the following services:

10 (a) Assignment of a care coordinator;

11 (b) An intake evaluation with the provider of the less
12 restrictive alternative treatment;

13 (c) A psychiatric evaluation;

14 (d) A schedule of regular contacts with the provider of the less
15 restrictive alternative treatment services for the duration of the
16 order;

17 (e) A transition plan addressing access to continued services at
18 the expiration of the order;

19 (f) An individual crisis plan; and

20 (g) Notification to the care coordinator assigned in (a) of this
21 subsection if reasonable efforts to engage the client fail to produce
22 substantial compliance with court-ordered treatment conditions.

23 (2) Less restrictive alternative treatment may include the
24 following additional services:

25 (a) Medication management;

26 (b) Psychotherapy;

27 (c) Nursing;

28 (d) Substance abuse counseling;

29 (e) Residential treatment; and

30 (f) Support for housing, benefits, education, and employment.

31 (3) If the minor was provided with involuntary medication during
32 the involuntary commitment period, the less restrictive alternative
33 treatment order may authorize the less restrictive alternative
34 treatment provider or its designee to administer involuntary
35 antipsychotic medication to the person if the provider has attempted
36 and failed to obtain the informed consent of the person and there is
37 a concurring medical opinion approving the medication by a
38 psychiatrist, physician assistant working with a supervising
39 psychiatrist, psychiatric advanced registered nurse practitioner, or

1 physician or physician assistant in consultation with an independent
2 mental health professional with prescribing authority.

3 (4) Less restrictive alternative treatment must be administered
4 by a provider that is certified or licensed to provide or coordinate
5 the full scope of services required under the less restrictive
6 alternative order and that has agreed to assume this responsibility.

7 (5) The care coordinator assigned to a minor ordered to less
8 restrictive alternative treatment must submit an individualized plan
9 for the minor's treatment services to the court that entered the
10 order. An initial plan must be submitted as soon as possible
11 following the intake evaluation and a revised plan must be submitted
12 upon any subsequent modification in which a type of service is
13 removed from or added to the treatment plan.

14 (6) For the purpose of this section, "care coordinator" means a
15 clinical practitioner who coordinates the activities of less
16 restrictive alternative treatment. The care coordinator coordinates
17 activities with the designated crisis responders that are necessary
18 for enforcement and continuation of less restrictive alternative
19 treatment orders and is responsible for coordinating service
20 activities with other agencies and establishing and maintaining a
21 therapeutic relationship with the individual on a continuing basis.

22 **Sec. 94.** RCW 71.34.780 and 2019 c 446 s 41 are each amended to
23 read as follows:

24 (1) If the professional person in charge of an outpatient
25 treatment program, a designated crisis responder, or the director or
26 secretary, as appropriate, determines that a minor is failing to
27 adhere to the conditions of the court order for less restrictive
28 alternative treatment or the conditions for the conditional release,
29 or that substantial deterioration in the minor's functioning has
30 occurred, the designated crisis responder, or the director or
31 secretary, as appropriate, may order that the minor(~~(, if committed~~
32 ~~for mental health treatment,)~~) be taken into custody and transported
33 to an inpatient evaluation and treatment facility (~~(or, if committed~~
34 ~~for substance use disorder treatment, be taken into custody and~~
35 ~~transported to)), a secure withdrawal management and stabilization
36 facility, or an approved substance use disorder treatment program
37 ((if there is an available)). A secure withdrawal management and
38 stabilization facility or approved substance use disorder treatment
39 program that has adequate space for the minor must be available.~~

1 (2) (a) The designated crisis responder (~~(or the)~~), director, or
2 secretary, as appropriate, shall file the order of apprehension and
3 detention and serve it upon the minor and notify the minor's parent
4 and the minor's attorney, if any, of the detention within two days of
5 return. At the time of service the minor shall be informed of the
6 right to a hearing and to representation by an attorney. The
7 designated crisis responder or the director or secretary, as
8 appropriate, may modify or rescind the order of apprehension and
9 detention at any time prior to the hearing.

10 (b) If the minor is involuntarily detained for revocation at an
11 evaluation and treatment facility, secure withdrawal management and
12 stabilization facility, or approved substance use disorder treatment
13 program in a different county from where the minor was initially
14 detained, the facility or program may file the order of apprehension,
15 serve it on the minor and notify the minor's parents and the minor's
16 attorney at the request of the designated crisis responder.

17 (3) A petition for revocation of less restrictive alternative
18 treatment shall be filed by the designated crisis responder or the
19 director (~~(or)~~), secretary, or facility, as appropriate, with the
20 court in the county (~~(ordering the less restrictive alternative~~
21 ~~treatment)) where the minor is detained. The court shall conduct the
22 hearing in that county. A petition for revocation of conditional
23 release (~~(may be filed with the court in the county ordering~~
24 ~~inpatient treatment or the county where the minor on conditional~~
25 ~~release is residing)) must be filed in the county where the minor is
26 detained. A petition shall describe the behavior of the minor
27 indicating violation of the conditions or deterioration of routine
28 functioning and a dispositional recommendation. (~~(Upon motion for~~
29 ~~good cause, the hearing may be transferred to the county of the~~
30 ~~minor's residence or to the county in which the alleged violations~~
31 ~~occurred.)) The hearing shall be held within seven days of the
32 minor's return. The issues to be determined are whether the minor did
33 or did not adhere to the conditions of the less restrictive
34 alternative treatment or conditional release, or whether the minor's
35 routine functioning has substantially deteriorated, and, if so,
36 whether the conditions of less restrictive alternative treatment or
37 conditional release should be modified or, subject to subsection (4)
38 of this section, whether the minor should be returned to inpatient
39 treatment. Pursuant to the determination of the court, the minor
40 shall be returned to less restrictive alternative treatment or~~~~~~

1 conditional release on the same or modified conditions or shall be
2 returned to inpatient treatment. If the minor is returned to
3 inpatient treatment, RCW 71.34.760 regarding the director's placement
4 responsibility shall apply. The hearing may be waived by the minor
5 and the minor returned to inpatient treatment or to less restrictive
6 alternative treatment or conditional release on the same or modified
7 conditions.

8 (4) A court may not order the return of a minor to inpatient
9 treatment in a secure withdrawal management and stabilization
10 facility or approved substance use disorder treatment program unless
11 there is a secure withdrawal management and stabilization facility or
12 approved substance use disorder treatment program available with
13 adequate space for the minor.

14 **Sec. 95.** RCW 71.34.780 and 2019 c 446 s 42 are each amended to
15 read as follows:

16 (1) If the professional person in charge of an outpatient
17 treatment program, a designated crisis responder, or the director or
18 secretary, as appropriate, determines that a minor is failing to
19 adhere to the conditions of the court order for less restrictive
20 alternative treatment or the conditions for the conditional release,
21 or that substantial deterioration in the minor's functioning has
22 occurred, the designated crisis responder, or the director or
23 secretary, as appropriate, may order that the minor(~~(, if committed~~
24 ~~for mental health treatment,)~~) be taken into custody and transported
25 to an inpatient evaluation and treatment facility (~~(or, if committed~~
26 ~~for substance use disorder treatment, be taken into custody and~~
27 ~~transported to)), a secure withdrawal management and stabilization
28 facility, or an approved substance use disorder treatment program.~~

29 (2) (a) The designated crisis responder (~~(or the)~~), director, or
30 secretary, as appropriate, shall file the order of apprehension and
31 detention and serve it upon the minor and notify the minor's parent
32 and the minor's attorney, if any, of the detention within two days of
33 return. At the time of service the minor shall be informed of the
34 right to a hearing and to representation by an attorney. The
35 designated crisis responder or the director or secretary, as
36 appropriate, may modify or rescind the order of apprehension and
37 detention at any time prior to the hearing.

38 (b) If the minor is involuntarily detained for revocation at an
39 evaluation and treatment facility, secure withdrawal management and

1 stabilization facility, or approved substance use disorder treatment
2 program in a different county from where the minor was initially
3 detained, the facility or program may file the order of apprehension,
4 serve it on the minor and notify the minor's parents and the minor's
5 attorney at the request of the designated crisis responder.

6 (3) A petition for revocation of less restrictive alternative
7 treatment shall be filed by the designated crisis responder or the
8 director ~~((or))~~, secretary, or facility, as appropriate, with the
9 court in the county ~~((ordering the less restrictive alternative~~
10 ~~treatment))~~ where the minor is detained. The court shall conduct the
11 hearing in that county. A petition for revocation of conditional
12 release ~~((may be filed with the court in the county ordering~~
13 ~~inpatient treatment or the county where the minor on conditional~~
14 ~~release is residing))~~ must be filed in the county where the minor is
15 detained. A petition shall describe the behavior of the minor
16 indicating violation of the conditions or deterioration of routine
17 functioning and a dispositional recommendation. ~~((Upon motion for~~
18 ~~good cause, the hearing may be transferred to the county of the~~
19 ~~minor's residence or to the county in which the alleged violations~~
20 ~~occurred.))~~ The hearing shall be held within seven days of the
21 minor's return. The issues to be determined are whether the minor did
22 or did not adhere to the conditions of the less restrictive
23 alternative treatment or conditional release, or whether the minor's
24 routine functioning has substantially deteriorated, and, if so,
25 whether the conditions of less restrictive alternative treatment or
26 conditional release should be modified or whether the minor should be
27 returned to inpatient treatment. Pursuant to the determination of the
28 court, the minor shall be returned to less restrictive alternative
29 treatment or conditional release on the same or modified conditions
30 or shall be returned to inpatient treatment. If the minor is returned
31 to inpatient treatment, RCW 71.34.760 regarding the director's
32 placement responsibility shall apply. The hearing may be waived by
33 the minor and the minor returned to inpatient treatment or to less
34 restrictive alternative treatment or conditional release on the same
35 or modified conditions.

36 NEW SECTION. Sec. 96. A new section is added to chapter 71.34
37 RCW to read as follows:

38 The legislature recognizes the inherent authority of the
39 judiciary under Article IV, section 1 of the state Constitution to

1 establish rules regarding access to court records, and respectfully
2 requests the Washington state supreme court to adopt rules regarding
3 potential access for the following entities to the files and records
4 of court proceedings under this chapter and chapter 71.05 RCW:

- 5 (1) The department;
- 6 (2) The department of health;
- 7 (3) The authority;
- 8 (4) The state hospitals as defined in RCW 72.23.010;
- 9 (5) Any person who is the subject of a petition;
- 10 (6) The attorney or guardian of the person;
- 11 (7) Resource management services for that person; and
- 12 (8) Service providers authorized to receive such information by
13 resource management services.

14 NEW SECTION. **Sec. 97.** A new section is added to chapter 71.34
15 RCW to read as follows:

16 For purposes of this chapter, at any hearing the petitioner, the
17 respondent, the witnesses, the interpreters, and the presiding
18 judicial officer may be present and participate either in person or
19 by video, as determined by the court. The term "video" as used in
20 this section includes any functional equivalent. At any hearing
21 conducted by video, the technology used must permit the judicial
22 officer, counsel, all parties, and the witnesses to be able to see,
23 hear, and speak, when authorized, during the hearing; to allow
24 attorneys to use exhibits or other materials during the hearing; and
25 to allow the respondent's counsel to be in the same location as the
26 respondent unless otherwise requested by the respondent or the
27 respondent's counsel. Witnesses in a proceeding may also appear in
28 court through other means, including telephonically, pursuant to the
29 requirements of superior court civil rule 43. Notwithstanding the
30 foregoing, the court, upon its own motion or upon a motion for good
31 cause by any party, may require all parties and witnesses to
32 participate in the hearing in person rather than by video. In ruling
33 on any such motion, the court may allow in-person or video testimony;
34 and the court may consider, among other things, whether the
35 respondent's alleged behavioral health disorder affects the
36 respondent's ability to perceive or participate in the proceeding by
37 video.

1 NEW SECTION. **Sec. 98.** A new section is added to chapter 71.05
2 RCW to read as follows:

3 For purposes of this chapter, at any hearing the petitioner, the
4 respondent, the witnesses, the interpreters, and the presiding
5 judicial officer may be present and participate either in person or
6 by video, as determined by the court. The term "video" as used in
7 this section includes any functional equivalent. At any hearing
8 conducted by video, the technology used must permit the judicial
9 officer, counsel, all parties, and the witnesses to be able to see,
10 hear, and speak, when authorized, during the hearing; to allow
11 attorneys to use exhibits or other materials during the hearing; and
12 to allow the respondent's counsel to be in the same location as the
13 respondent unless otherwise requested by the respondent or the
14 respondent's counsel. Witnesses in a proceeding may also appear in
15 court through other means, including telephonically, pursuant to the
16 requirements of superior court civil rule 43. Notwithstanding the
17 foregoing, the court, upon its own motion or upon a motion for good
18 cause by any party, may require all parties and witnesses to
19 participate in the hearing in person rather than by video. In ruling
20 on any such motion, the court may allow in-person or video testimony;
21 and the court may consider, among other things, whether the
22 respondent's alleged behavioral health disorder affects the
23 respondent's ability to perceive or participate in the proceeding by
24 video.

25 NEW SECTION. **Sec. 99.** A new section is added to chapter 71.34
26 RCW to read as follows:

27 In addition to the responsibility provided for by RCW 43.20B.330,
28 the parents of a minor person who is involuntarily detained pursuant
29 to this chapter for the purpose of treatment and evaluation outside
30 of a facility maintained and operated by the department shall be
31 responsible for the cost of such care and treatment. In the event
32 that an individual is unable to pay for such treatment or in the
33 event payment would result in a substantial hardship upon the
34 individual or his or her family, then the county of residence of such
35 person shall be responsible for such costs. If it is not possible to
36 determine the county of residence of the person, the cost shall be
37 borne by the county where the person was originally detained. The
38 department, or the authority, as appropriate, shall, pursuant to
39 chapter 34.05 RCW, adopt standards as to (1) inability to pay in

1 whole or in part, (2) a definition of substantial hardship, and (3)
2 appropriate payment schedules. Financial responsibility with respect
3 to services and facilities of the department shall continue to be as
4 provided in RCW 43.20B.320 through 43.20B.360 and 43.20B.370.

5 NEW SECTION. **Sec. 100.** A new section is added to chapter 71.05
6 RCW to read as follows:

7 (1) An involuntary treatment act work group is established to
8 evaluate the effect of changes to this chapter and chapter 71.34 RCW
9 and to evaluate vulnerabilities in the crisis system.

10 (2) The work group shall:

11 (a) Commencing September 1, 2020, meet at least three times to:

12 (i) Identify and evaluate systems and procedures that may be required
13 to implement one hundred twenty hour initial detention; (ii) develop
14 recommendations to implement one hundred twenty hour initial
15 detention statewide; and (iii) disseminate the recommendations to
16 stakeholders and report them to the governor and appropriate
17 committees of the legislature by January 1, 2021.

18 (b) Commencing January 1, 2021, meet at least six times to
19 evaluate: (i) The implementation of one hundred twenty hour initial
20 detention, and the effects, if any, on involuntary behavioral health
21 treatment capacity statewide, including the frequency of detentions,
22 commitments, revocations of less restrictive alternative treatment,
23 conditional release orders, single bed certifications, and no-bed
24 reports under RCW 71.05.750; (ii) other issues related to
25 implementation of this act; and (iii) other vulnerabilities in the
26 involuntary treatment system.

27 (c) (i) Develop recommendations for operating the crisis system
28 based on the evaluations in (b) of this subsection; and (ii)
29 disseminate those recommendations to stakeholders and report them to
30 the governor and the appropriate committees of the legislature no
31 later than June 30, 2022.

32 (3) The work group shall be convened by the authority and shall
33 receive technical and data gathering support from the authority, the
34 department, and the department of social and health services as
35 needed. The membership must consist of not more than eighteen members
36 appointed by the governor, reflecting statewide representation,
37 diverse viewpoints, and experience with involuntary treatment cases.
38 Appointed members must include but not be limited to:

1 (a) Representatives of the authority, the department, and the
2 department of social and health services;

3 (b) Certified short-term civil commitment providers and providers
4 who accept single bed certification under RCW 71.05.745;

5 (c) Certified long-term inpatient care providers for involuntary
6 patients or providers with experience providing community long-term
7 inpatient care for involuntary patients;

8 (d) Prosecuting attorneys;

9 (e) Defense attorneys;

10 (f) Family members and persons with lived experience of
11 behavioral health disorders;

12 (g) At least two behavioral health peers with lived experience of
13 civil commitment;

14 (h) The Washington state office of the attorney general;

15 (i) Advocates for persons with behavioral health disorders;

16 (j) Designated crisis responders;

17 (k) Behavioral health administrative services organizations;

18 (l) Managed care organizations;

19 (m) Law enforcement; and

20 (n) Judicial officers in involuntary treatment cases.

21 (4) Interested legislators and legislative staff may participate
22 in the work group. The governor must request participation in the
23 work group by a representative of tribal governments.

24 (5) The work group shall choose cochairs from among its members
25 and receive staff support from the authority.

26 (6) This section expires June 30, 2022.

27 NEW SECTION. **Sec. 101.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 71.05.360 (Rights of involuntarily detained persons) and
30 2019 c 446 s 13 and 2017 3rd sp.s. c 14 s 20; and

31 (2) RCW 71.34.370 (Antipsychotic medication and shock treatment)
32 and 1989 c 120 s 9.

33 NEW SECTION. **Sec. 102.** RCW 71.05.525 is recodified as a section
34 in chapter 71.34 RCW.

35 NEW SECTION. **Sec. 103.** Sections 11, 14, 24, 30, 32, 34, 37, 53,
36 73, 79, 82, 85, and 88 of this act expire January 1, 2021.

1 NEW SECTION. **Sec. 104.** Sections 12, 15, 18 through 22, 25, 31,
2 33, 35, 38, 54, 58, 74, 80, 83, 86, and 89 of this act take effect
3 January 1, 2021.

4 NEW SECTION. **Sec. 105.** Sections 12, 15, 25, 38, 44, 54, 76, 80,
5 83, 89, 91, and 94 of this act expire July 1, 2026.

6 NEW SECTION. **Sec. 106.** Sections 13, 16, 26, 39, 45, 55, 77, 81,
7 84, 90, 92, and 95 of this act take effect July 1, 2026.

8 **Sec. 107.** RCW 70.02.010 and 2019 c 325 s 5019 are each amended
9 to read as follows:

10 CONFORMING AMENDMENTS. The definitions in this section apply
11 throughout this chapter unless the context clearly requires
12 otherwise.

13 (1) "Admission" has the same meaning as in RCW 71.05.020.

14 (2) "Audit" means an assessment, evaluation, determination, or
15 investigation of a health care provider by a person not employed by
16 or affiliated with the provider to determine compliance with:

17 (a) Statutory, regulatory, fiscal, medical, or scientific
18 standards;

19 (b) A private or public program of payments to a health care
20 provider; or

21 (c) Requirements for licensing, accreditation, or certification.

22 (3) "Authority" means the Washington state health care authority.

23 (4) "Commitment" has the same meaning as in RCW 71.05.020.

24 (5) "Custody" has the same meaning as in RCW 71.05.020.

25 (6) "Deidentified" means health information that does not
26 identify an individual and with respect to which there is no
27 reasonable basis to believe that the information can be used to
28 identify an individual.

29 (7) "Department" means the department of social and health
30 services.

31 (8) "Designated crisis responder" has the same meaning as in RCW
32 71.05.020 or 71.34.020, as applicable.

33 (9) "Detention" or "detain" has the same meaning as in RCW
34 71.05.020.

35 (10) "Directory information" means information disclosing the
36 presence, and for the purpose of identification, the name, location
37 within a health care facility, and the general health condition of a

1 particular patient who is a patient in a health care facility or who
2 is currently receiving emergency health care in a health care
3 facility.

4 (11) "Discharge" has the same meaning as in RCW 71.05.020.

5 (12) "Evaluation and treatment facility" has the same meaning as
6 in RCW 71.05.020 or 71.34.020, as applicable.

7 (13) "Federal, state, or local law enforcement authorities" means
8 an officer of any agency or authority in the United States, a state,
9 a tribe, a territory, or a political subdivision of a state, a tribe,
10 or a territory who is empowered by law to: (a) Investigate or conduct
11 an official inquiry into a potential criminal violation of law; or
12 (b) prosecute or otherwise conduct a criminal proceeding arising from
13 an alleged violation of law.

14 (14) "General health condition" means the patient's health status
15 described in terms of "critical," "poor," "fair," "good,"
16 "excellent," or terms denoting similar conditions.

17 (15) "Health care" means any care, service, or procedure provided
18 by a health care provider:

19 (a) To diagnose, treat, or maintain a patient's physical or
20 mental condition; or

21 (b) That affects the structure or any function of the human body.

22 (16) "Health care facility" means a hospital, clinic, nursing
23 home, laboratory, office, or similar place where a health care
24 provider provides health care to patients.

25 (17) "Health care information" means any information, whether
26 oral or recorded in any form or medium, that identifies or can
27 readily be associated with the identity of a patient and directly
28 relates to the patient's health care, including a patient's
29 deoxyribonucleic acid and identified sequence of chemical base pairs.
30 The term includes any required accounting of disclosures of health
31 care information.

32 (18) "Health care operations" means any of the following
33 activities of a health care provider, health care facility, or third-
34 party payor to the extent that the activities are related to
35 functions that make an entity a health care provider, a health care
36 facility, or a third-party payor:

37 (a) Conducting: Quality assessment and improvement activities,
38 including outcomes evaluation and development of clinical guidelines,
39 if the obtaining of generalizable knowledge is not the primary
40 purpose of any studies resulting from such activities; population-

1 based activities relating to improving health or reducing health care
2 costs, protocol development, case management and care coordination,
3 contacting of health care providers and patients with information
4 about treatment alternatives; and related functions that do not
5 include treatment;

6 (b) Reviewing the competence or qualifications of health care
7 professionals, evaluating practitioner and provider performance and
8 third-party payor performance, conducting training programs in which
9 students, trainees, or practitioners in areas of health care learn
10 under supervision to practice or improve their skills as health care
11 providers, training of nonhealth care professionals, accreditation,
12 certification, licensing, or credentialing activities;

13 (c) Underwriting, premium rating, and other activities relating
14 to the creation, renewal, or replacement of a contract of health
15 insurance or health benefits, and ceding, securing, or placing a
16 contract for reinsurance of risk relating to claims for health care,
17 including stop-loss insurance and excess of loss insurance, if any
18 applicable legal requirements are met;

19 (d) Conducting or arranging for medical review, legal services,
20 and auditing functions, including fraud and abuse detection and
21 compliance programs;

22 (e) Business planning and development, such as conducting cost-
23 management and planning-related analyses related to managing and
24 operating the health care facility or third-party payor, including
25 formulary development and administration, development, or improvement
26 of methods of payment or coverage policies; and

27 (f) Business management and general administrative activities of
28 the health care facility, health care provider, or third-party payor
29 including, but not limited to:

30 (i) Management activities relating to implementation of and
31 compliance with the requirements of this chapter;

32 (ii) Customer service, including the provision of data analyses
33 for policy holders, plan sponsors, or other customers, provided that
34 health care information is not disclosed to such policy holder, plan
35 sponsor, or customer;

36 (iii) Resolution of internal grievances;

37 (iv) The sale, transfer, merger, or consolidation of all or part
38 of a health care provider, health care facility, or third-party payor
39 with another health care provider, health care facility, or third-
40 party payor or an entity that following such activity will become a

1 health care provider, health care facility, or third-party payor, and
2 due diligence related to such activity; and

3 (v) Consistent with applicable legal requirements, creating
4 deidentified health care information or a limited dataset for the
5 benefit of the health care provider, health care facility, or third-
6 party payor.

7 (19) "Health care provider" means a person who is licensed,
8 certified, registered, or otherwise authorized by the law of this
9 state to provide health care in the ordinary course of business or
10 practice of a profession.

11 (20) "Human immunodeficiency virus" or "HIV" has the same meaning
12 as in RCW 70.24.017.

13 (21) "Imminent" has the same meaning as in RCW 71.05.020.

14 (22) "Information and records related to mental health services"
15 means a type of health care information that relates to all
16 information and records compiled, obtained, or maintained in the
17 course of providing services by a mental health service agency or
18 mental health professional to persons who are receiving or have
19 received services for mental illness. The term includes mental health
20 information contained in a medical bill, registration records, as
21 defined in RCW 70.97.010, and all other records regarding the person
22 maintained by the department, by the authority, by behavioral health
23 administrative services organizations and their staff, managed care
24 organizations contracted with the authority under chapter 74.09 RCW
25 and their staff, and by treatment facilities. The term further
26 includes documents of legal proceedings under chapter 71.05, 71.34,
27 or 10.77 RCW, or somatic health care information. For health care
28 information maintained by a hospital as defined in RCW 70.41.020 or a
29 health care facility or health care provider that participates with a
30 hospital in an organized health care arrangement defined under
31 federal law, "information and records related to mental health
32 services" is limited to information and records of services provided
33 by a mental health professional or information and records of
34 services created by a hospital-operated community behavioral health
35 program as defined in RCW 71.24.025. The term does not include
36 psychotherapy notes.

37 (23) "Information and records related to sexually transmitted
38 diseases" means a type of health care information that relates to the
39 identity of any person upon whom an HIV antibody test or other
40 sexually transmitted infection test is performed, the results of such

1 tests, and any information relating to diagnosis of or treatment for
2 any confirmed sexually transmitted infections.

3 (24) "Institutional review board" means any board, committee, or
4 other group formally designated by an institution, or authorized
5 under federal or state law, to review, approve the initiation of, or
6 conduct periodic review of research programs to assure the protection
7 of the rights and welfare of human research subjects.

8 (25) "Legal counsel" has the same meaning as in RCW 71.05.020.

9 (26) "Local public health officer" has the same meaning as in RCW
10 70.24.017.

11 (27) "Maintain," as related to health care information, means to
12 hold, possess, preserve, retain, store, or control that information.

13 (28) "Mental health professional" means a psychiatrist,
14 psychologist, psychiatric advanced registered nurse practitioner,
15 psychiatric nurse, or social worker, and such other mental health
16 professionals as may be defined by rules adopted by the secretary of
17 health under chapter 71.05 RCW, whether that person works in a
18 private or public setting.

19 (29) "Mental health service agency" means a public or private
20 agency that provides services to persons with mental disorders as
21 defined under RCW 71.05.020 or 71.34.020 and receives funding from
22 public sources. This includes evaluation and treatment facilities as
23 defined in RCW 71.34.020, community mental health service delivery
24 systems, or community behavioral health programs, as defined in RCW
25 71.24.025, and facilities conducting competency evaluations and
26 restoration under chapter 10.77 RCW.

27 (30) "Minor" has the same meaning as in RCW 71.34.020.

28 (31) "Parent" has the same meaning as in RCW 71.34.020.

29 (32) "Patient" means an individual who receives or has received
30 health care. The term includes a deceased individual who has received
31 health care.

32 (33) "Payment" means:

33 (a) The activities undertaken by:

34 (i) A third-party payor to obtain premiums or to determine or
35 fulfill its responsibility for coverage and provision of benefits by
36 the third-party payor; or

37 (ii) A health care provider, health care facility, or third-party
38 payor, to obtain or provide reimbursement for the provision of health
39 care; and

1 (b) The activities in (a) of this subsection that relate to the
2 patient to whom health care is provided and that include, but are not
3 limited to:

4 (i) Determinations of eligibility or coverage, including
5 coordination of benefits or the determination of cost-sharing
6 amounts, and adjudication or subrogation of health benefit claims;

7 (ii) Risk adjusting amounts due based on enrollee health status
8 and demographic characteristics;

9 (iii) Billing, claims management, collection activities,
10 obtaining payment under a contract for reinsurance, including stop-
11 loss insurance and excess of loss insurance, and related health care
12 data processing;

13 (iv) Review of health care services with respect to medical
14 necessity, coverage under a health plan, appropriateness of care, or
15 justification of charges;

16 (v) Utilization review activities, including precertification and
17 preauthorization of services, and concurrent and retrospective review
18 of services; and

19 (vi) Disclosure to consumer reporting agencies of any of the
20 following health care information relating to collection of premiums
21 or reimbursement:

22 (A) Name and address;

23 (B) Date of birth;

24 (C) Social security number;

25 (D) Payment history;

26 (E) Account number; and

27 (F) Name and address of the health care provider, health care
28 facility, and/or third-party payor.

29 (34) "Person" means an individual, corporation, business trust,
30 estate, trust, partnership, association, joint venture, government,
31 governmental subdivision or agency, or any other legal or commercial
32 entity.

33 (35) "Professional person" has the same meaning as in RCW
34 71.05.020.

35 (36) "Psychiatric advanced registered nurse practitioner" has the
36 same meaning as in RCW 71.05.020.

37 (37) "Psychotherapy notes" means notes recorded, in any medium,
38 by a mental health professional documenting or analyzing the contents
39 of conversations during a private counseling session or group, joint,
40 or family counseling session, and that are separated from the rest of

1 the individual's medical record. The term excludes mediation
2 prescription and monitoring, counseling session start and stop times,
3 the modalities and frequencies of treatment furnished, results of
4 clinical tests, and any summary of the following items: Diagnosis,
5 functional status, the treatment plan, symptoms, prognosis, and
6 progress to date.

7 (38) "Reasonable fee" means the charges for duplicating or
8 searching the record, but shall not exceed sixty-five cents per page
9 for the first thirty pages and fifty cents per page for all other
10 pages. In addition, a clerical fee for searching and handling may be
11 charged not to exceed fifteen dollars. These amounts shall be
12 adjusted biennially in accordance with changes in the consumer price
13 index, all consumers, for Seattle-Tacoma metropolitan statistical
14 area as determined by the secretary of health. However, where editing
15 of records by a health care provider is required by statute and is
16 done by the provider personally, the fee may be the usual and
17 customary charge for a basic office visit.

18 (39) "Release" has the same meaning as in RCW 71.05.020.

19 (40) "Resource management services" has the same meaning as in
20 RCW 71.05.020.

21 (41) "Serious violent offense" has the same meaning as in RCW
22 (~~71.05.020~~) 9.94A.030.

23 (42) "Sexually transmitted infection" or "sexually transmitted
24 disease" has the same meaning as "sexually transmitted disease" in
25 RCW 70.24.017.

26 (43) "Test for a sexually transmitted disease" has the same
27 meaning as in RCW 70.24.017.

28 (44) "Third-party payor" means an insurer regulated under Title
29 48 RCW authorized to transact business in this state or other
30 jurisdiction, including a health care service contractor, and health
31 maintenance organization; or an employee welfare benefit plan,
32 excluding fitness or wellness plans; or a state or federal health
33 benefit program.

34 (45) "Treatment" means the provision, coordination, or management
35 of health care and related services by one or more health care
36 providers or health care facilities, including the coordination or
37 management of health care by a health care provider or health care
38 facility with a third party; consultation between health care
39 providers or health care facilities relating to a patient; or the

1 referral of a patient for health care from one health care provider
2 or health care facility to another.

3 (46) "Managed care organization" has the same meaning as provided
4 in RCW 71.24.025.

5 **Sec. 108.** RCW 5.60.060 and 2019 c 98 s 1 are each amended to
6 read as follows:

7 CONFORMING AMENDMENTS. (1) A spouse or domestic partner shall not
8 be examined for or against his or her spouse or domestic partner,
9 without the consent of the spouse or domestic partner; nor can either
10 during marriage or during the domestic partnership or afterward, be
11 without the consent of the other, examined as to any communication
12 made by one to the other during the marriage or the domestic
13 partnership. But this exception shall not apply to a civil action or
14 proceeding by one against the other, nor to a criminal action or
15 proceeding for a crime committed by one against the other, nor to a
16 criminal action or proceeding against a spouse or domestic partner if
17 the marriage or the domestic partnership occurred subsequent to the
18 filing of formal charges against the defendant, nor to a criminal
19 action or proceeding for a crime committed by said spouse or domestic
20 partner against any child of whom said spouse or domestic partner is
21 the parent or guardian, nor to a proceeding under chapter 71.05 or
22 71.09 RCW: PROVIDED, That the spouse or the domestic partner of a
23 person sought to be detained under chapter 71.05 or 71.09 RCW may not
24 be compelled to testify and shall be so informed by the court prior
25 to being called as a witness.

26 (2) (a) An attorney or counselor shall not, without the consent of
27 his or her client, be examined as to any communication made by the
28 client to him or her, or his or her advice given thereon in the
29 course of professional employment.

30 (b) A parent or guardian of a minor child arrested on a criminal
31 charge may not be examined as to a communication between the child
32 and his or her attorney if the communication was made in the presence
33 of the parent or guardian. This privilege does not extend to
34 communications made prior to the arrest.

35 (3) A member of the clergy, a Christian Science practitioner
36 listed in the Christian Science Journal, or a priest shall not,
37 without the consent of a person making the confession or sacred
38 confidence, be examined as to any confession or sacred confidence
39 made to him or her in his or her professional character, in the

1 course of discipline enjoined by the church to which he or she
2 belongs.

3 (4) Subject to the limitations under RCW (~~(71.05.360 (8) and~~
4 ~~(9))~~) 71.05.217 (6) and (7), a physician or surgeon or osteopathic
5 physician or surgeon or podiatric physician or surgeon shall not,
6 without the consent of his or her patient, be examined in a civil
7 action as to any information acquired in attending such patient,
8 which was necessary to enable him or her to prescribe or act for the
9 patient, except as follows:

10 (a) In any judicial proceedings regarding a child's injury,
11 neglect, or sexual abuse or the cause thereof; and

12 (b) Ninety days after filing an action for personal injuries or
13 wrongful death, the claimant shall be deemed to waive the physician-
14 patient privilege. Waiver of the physician-patient privilege for any
15 one physician or condition constitutes a waiver of the privilege as
16 to all physicians or conditions, subject to such limitations as a
17 court may impose pursuant to court rules.

18 (5) A public officer shall not be examined as a witness as to
19 communications made to him or her in official confidence, when the
20 public interest would suffer by the disclosure.

21 (6)(a) A peer support group counselor shall not, without consent
22 of the first responder or jail staff person making the communication,
23 be compelled to testify about any communication made to the counselor
24 by the first responder or jail staff person while receiving
25 counseling. The counselor must be designated as such by the agency
26 employing the first responder or jail staff person prior to the
27 incident that results in counseling. The privilege only applies when
28 the communication was made to the counselor while acting in his or
29 her capacity as a peer support group counselor. The privilege does
30 not apply if the counselor was an initial responding first responder
31 or jail staff person, a witness, or a party to the incident which
32 prompted the delivery of peer support group counseling services to
33 the first responder or jail staff person.

34 (b) For purposes of this section:

35 (i) "First responder" means:

36 (A) A law enforcement officer;

37 (B) A limited authority law enforcement officer;

38 (C) A firefighter;

39 (D) An emergency services dispatcher or recordkeeper;

1 (E) Emergency medical personnel, as licensed or certified by this
2 state; or

3 (F) A member or former member of the Washington national guard
4 acting in an emergency response capacity pursuant to chapter 38.52
5 RCW.

6 (ii) "Law enforcement officer" means a general authority
7 Washington peace officer as defined in RCW 10.93.020;

8 (iii) "Limited authority law enforcement officer" means a limited
9 authority Washington peace officer as defined in RCW 10.93.020 who is
10 employed by the department of corrections, state parks and recreation
11 commission, department of natural resources, liquor and cannabis
12 board, or Washington state gambling commission; and

13 (iv) "Peer support group counselor" means:

14 (A) A first responder or jail staff person or a civilian employee
15 of a first responder entity or agency, local jail, or state agency
16 who has received training to provide emotional and moral support and
17 counseling to a first responder or jail staff person who needs those
18 services as a result of an incident in which the first responder or
19 jail staff person was involved while acting in his or her official
20 capacity; or

21 (B) A nonemployee counselor who has been designated by the first
22 responder entity or agency, local jail, or state agency to provide
23 emotional and moral support and counseling to a first responder or
24 jail staff person who needs those services as a result of an incident
25 in which the first responder or jail staff person was involved while
26 acting in his or her official capacity.

27 (7) A sexual assault advocate may not, without the consent of the
28 victim, be examined as to any communication made between the victim
29 and the sexual assault advocate.

30 (a) For purposes of this section, "sexual assault advocate" means
31 the employee or volunteer from a community sexual assault program or
32 underserved populations provider, victim assistance unit, program, or
33 association, that provides information, medical or legal advocacy,
34 counseling, or support to victims of sexual assault, who is
35 designated by the victim to accompany the victim to the hospital or
36 other health care facility and to proceedings concerning the alleged
37 assault, including police and prosecution interviews and court
38 proceedings.

39 (b) A sexual assault advocate may disclose a confidential
40 communication without the consent of the victim if failure to

1 disclose is likely to result in a clear, imminent risk of serious
2 physical injury or death of the victim or another person. Any sexual
3 assault advocate participating in good faith in the disclosing of
4 records and communications under this section shall have immunity
5 from any liability, civil, criminal, or otherwise, that might result
6 from the action. In any proceeding, civil or criminal, arising out of
7 a disclosure under this section, the good faith of the sexual assault
8 advocate who disclosed the confidential communication shall be
9 presumed.

10 (8) A domestic violence advocate may not, without the consent of
11 the victim, be examined as to any communication between the victim
12 and the domestic violence advocate.

13 (a) For purposes of this section, "domestic violence advocate"
14 means an employee or supervised volunteer from a community-based
15 domestic violence program or human services program that provides
16 information, advocacy, counseling, crisis intervention, emergency
17 shelter, or support to victims of domestic violence and who is not
18 employed by, or under the direct supervision of, a law enforcement
19 agency, a prosecutor's office, or the child protective services
20 section of the department of (~~social and health services~~) children,
21 youth, and families as defined in RCW 26.44.020.

22 (b) A domestic violence advocate may disclose a confidential
23 communication without the consent of the victim if failure to
24 disclose is likely to result in a clear, imminent risk of serious
25 physical injury or death of the victim or another person. This
26 section does not relieve a domestic violence advocate from the
27 requirement to report or cause to be reported an incident under RCW
28 26.44.030(1) or to disclose relevant records relating to a child as
29 required by RCW 26.44.030(~~(14)~~) (15). Any domestic violence
30 advocate participating in good faith in the disclosing of
31 communications under this subsection is immune from liability, civil,
32 criminal, or otherwise, that might result from the action. In any
33 proceeding, civil or criminal, arising out of a disclosure under this
34 subsection, the good faith of the domestic violence advocate who
35 disclosed the confidential communication shall be presumed.

36 (9) A mental health counselor, independent clinical social
37 worker, or marriage and family therapist licensed under chapter
38 18.225 RCW may not disclose, or be compelled to testify about, any
39 information acquired from persons consulting the individual in a
40 professional capacity when the information was necessary to enable

1 the individual to render professional services to those persons
2 except:

3 (a) With the written authorization of that person or, in the case
4 of death or disability, the person's personal representative;

5 (b) If the person waives the privilege by bringing charges
6 against the mental health counselor licensed under chapter 18.225
7 RCW;

8 (c) In response to a subpoena from the secretary of health. The
9 secretary may subpoena only records related to a complaint or report
10 under RCW 18.130.050;

11 (d) As required under chapter 26.44 or 74.34 RCW or RCW
12 (~~(71.05.360 (8) and (9))~~) 71.05.217 (6) or (7); or

13 (e) To any individual if the mental health counselor, independent
14 clinical social worker, or marriage and family therapist licensed
15 under chapter 18.225 RCW reasonably believes that disclosure will
16 avoid or minimize an imminent danger to the health or safety of the
17 individual or any other individual; however, there is no obligation
18 on the part of the provider to so disclose.

19 (10) An individual who acts as a sponsor providing guidance,
20 emotional support, and counseling in an individualized manner to a
21 person participating in an alcohol or drug addiction recovery
22 fellowship may not testify in any civil action or proceeding about
23 any communication made by the person participating in the addiction
24 recovery fellowship to the individual who acts as a sponsor except
25 with the written authorization of that person or, in the case of
26 death or disability, the person's personal representative.

27 **Sec. 109.** RCW 71.12.570 and 2012 c 117 s 440 are each amended to
28 read as follows:

29 CONFORMING AMENDMENTS. No person in an establishment as defined
30 in this chapter shall be restrained from sending written
31 communications of the fact of his or her detention in such
32 establishment to a friend, relative, or other person. The physician
33 in charge of such person and the person in charge of such
34 establishment shall send each such communication to the person to
35 whom it is addressed. All persons in an establishment shall have no
36 less than all rights secured to involuntarily detained persons by RCW
37 (~~(71.05.360 and)~~) 71.05.217 and to voluntarily admitted or committed
38 persons pursuant to RCW 71.05.050 and 71.05.380.

1 **Sec. 110.** RCW 18.225.105 and 2005 c 504 s 707 are each amended
2 to read as follows:

3 CONFORMING AMENDMENTS. A person licensed under this chapter shall
4 not disclose the written acknowledgment of the disclosure statement
5 pursuant to RCW 18.225.100, nor any information acquired from persons
6 consulting the individual in a professional capacity when the
7 information was necessary to enable the individual to render
8 professional services to those persons except:

9 (1) With the written authorization of that person or, in the case
10 of death or disability, the person's personal representative;

11 (2) If the person waives the privilege by bringing charges
12 against the person licensed under this chapter;

13 (3) In response to a subpoena from the secretary. The secretary
14 may subpoena only records related to a complaint or report under RCW
15 18.130.050;

16 (4) As required under chapter 26.44 or 74.34 RCW or RCW
17 (~~71.05.360 (8) and (9)~~) 71.05.217 (6) and (7); or

18 (5) To any individual if the person licensed under this chapter
19 reasonably believes that disclosure will avoid or minimize an
20 imminent danger to the health or safety of the individual or any
21 other individual; however, there is no obligation on the part of the
22 provider to so disclose.

23 **Sec. 111.** RCW 18.83.110 and 2016 sp.s. c 29 s 414 are each
24 amended to read as follows:

25 CONFORMING AMENDMENTS. Confidential communications between a
26 client and a psychologist shall be privileged against compulsory
27 disclosure to the same extent and subject to the same conditions as
28 confidential communications between attorney and client, but this
29 exception is subject to the limitations under RCW (~~71.05.360 (8) and~~
30 ~~(9)~~) 71.05.217 (6) and (7)."

31 Correct the title.

EFFECT: The striking amendment makes the following changes:

(1) Requires an initial petition for nonemergent detention or 14-day commitment be dismissed if a court does not subsequently issue a detention or commitment order;

(2) Provides that if a designated crisis responder (DCR) detains a person for up to 72-hours, the DCR must notify the sheriff of the county or the chief of police of the municipality in which a person is domiciled of the six-month suspension on firearms possession;

(3) Provides that prior to returning a firearm that has been surrendered by a person who has been detained, the law enforcement agency must verify with the prosecuting attorney's office or designated crisis responders that the person has not been previously or subsequently committed for 14 days of involuntary treatment;

(4) Removes language in the underlying bill that authorizes single bed certification for a person who is detained based on a substance use disorder;

(5) Modifies provisions related to the suspension and restoration of firearms possession for a person who has a nonfelony charge dismissed based on their incompetency, to provide that a copy of the person's driver's license or identicard, or comparable identification such as their name, address, and date of birth must be included with the notification of suspension or restoration forwarded by the court to the Department of Licensing;

(6) Provides that a court may consider school behavioral issues, the impact on the family, the safety of other children in the household, and the developmental age of the minor when determining whether a new less restrictive alternative should be ordered;

(7) Adds teachers and school personnel as individuals who may be considered credible witnesses in a detention investigation for a minor;

(8) Adds two behavioral peers and the Office of the Attorney General to the Involuntary Treatment Act work group;

(9) Clarifies that the licensed health care professional or professional person assisting with the video evaluation must be present with the person during the interview; and

(10) Makes technical amendments, including conforming amendments.

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